APPLICATIONS

# APPEAL APPLICATION
Instructions and Checklist

## RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

## PURPOSE

This application is for the appeal of Los Angeles City Planning determinations, as authorized by the LAMC, as well as first-level Building and Safety Appeals.

## APPELLATE BODY

**Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.**

☐ Area Planning Commission (APC) ☐ City Planning Commission (CPC) ☒ City Council

☐ Zoning Administrator (ZA) ☐ Director of Planning (DIR)

## CASE INFORMATION

**Case Number:** VTT 82764

**Project Address:** 1520–1542 North Cahuenga Boulevard, 1523–1549 North Ivar Avenue, and 6350 \

**Final Date to Appeal:** 02/26/24

## APPELLANT

**For main entitlement cases, <u>except</u> for Building and Safety Appeals:**

**Check all that apply.**

☒ Person, other than the Applicant, Owner or Operator claiming to be aggrieved

☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

**For Building and Safety Appeals <u>only</u>:**

**Check all that apply.**

☐ Person claiming to be aggrieved by the determination made by **Building and Safety**[1]

☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

[1] Pursuant to LAMC Section 13B.2.10.B.1 of Chapter 1A, Appellants of a Building and Safety Appeal are considered the Applicant and must provide the Noticing Requirements identified on page 4 of this form at the time of filing. Pursuant to LAMC Section 13B.10.3 of Chapter 1A, an appeal fee shall be required pursuant to LAMC Section 19.01 B.2 of Chapter 1.

## APPELLANT INFORMATION

**Appellant Name:** Leo Mellace

**Company/Organization:** The Sound Factory

**Mailing Address:** 6357 Selma Ave

**City:** los angeles **State:** CA **Zip Code:** 90028

**Telephone:** 617-899-3749 **E-mail:** leojoseph@me.com

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☒ Self ☐ Other: Friends of the sound factory

Is the appeal being filed to support the original applicant's position? ☒ **YES** ☐ **NO**

## REPRESENTATIVE / AGENT INFORMATION

**Representative/Agent Name (if applicable):** Robert Silverstein

**Company:** The Silverstein Law Firm, APC

**Mailing Address:** 215 North Marengo Avenue, 3rd Floor

**City:** Pasadena **State:** CA **Zip Code:** 91101-1504

**Telephone:** (626) 449-4200 **E-mail:** Robert@RobertSilversteinLaw.com

## JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part? ☒ **Entire** ☐ **Part**

Are specific Conditions of Approval being appealed? ☐ **YES** ☒ **NO**

If Yes, list the Condition Number(s) here: _____

On a separate sheet provide the following:

☐ Reason(s) for the appeal

☐ Specific points at issue

☐ How you are aggrieved by the decision

## APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

**Appellant Signature:** Leo Mellace **Date:** 02/23/24

## GENERAL NOTES

*A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.*

*The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

### THIS SECTION FOR CITY PLANNING STAFF USE ONLY

**Base Fee:** _____

**Reviewed & Accepted by (DSC Planner):** _____

**Receipt No.**: _____ **Date :** _____

☐ Determination authority notified ☐ Original receipt and BTC receipt (if original applicant)

## GENERAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our Online Application System (OAS).

## APPEAL DOCUMENTS

**1. Hard Copy**

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

☒ Appeal Application

☒ Justification/Reason for Appeal

☒ Copy of Letter of Determination (LOD) for the decision being appealed

**2. Electronic Copy**

☒ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., "Appeal Form", "Justification/ Reason Statement", or "Original Determination Letter"). No file should exceed 70 MB in size.

**3. Appeal Fee**

☒ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a), or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.

☒ *Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b).

**4. Noticing Requirements (Applicant Appeals or Building and Safety Appeals Only)**

☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals. Appellants for BSAs are considered Original Applicants.

☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).

See the Mailing Procedures Instructions (CP13-2074) for applicable requirements.

# SPECIFIC CASE TYPES
# ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

## DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 12.22 A.25(g) of Chapter 1.

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.

  ☐ Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

## WAIVER OF DEDICATION AND / OR IMPROVEMENT

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to LAMC Section 12.37 I of Chapter 1.

- WDIs for by-right projects can only be appealed by the Property Owner.
- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

## [VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 17.54 A of Chapter 1.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

## BUILDING AND SAFETY APPEAL

**First Level Appeal**

Procedures for an appeal of a determination by the Los Angeles Department of Building and Safety (LADBS) (i.e., Building and Safety Appeal, or BSA) are pursuant LAMC Section 13B.10.2. of Chapter 1A.

- The Appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

1. Appeal Fee

   ☐ Appeal fee shall be in accordance with LAMC Section 19.01 B.2 of Chapter 1 (i.e., the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code, plus surcharges).

2. Noticing Requirement

   ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable

LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C. of Chapter 1A. Appellants for BSAs are considered Original Applicants.

- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).

See the Mailing Procedures Instructions (CP13-2074) for applicable requirements.

**Second Level Appeal**

Procedures for a appeal of the Director's Decision on a BSA Appeal are pursuant to LAMC Section 13B.10.2.G. of Chapter 1A. The original Appellant or any other aggrieved person may file an appeal to the APC or CPC, as noted in the LOD.

1. Appeal Fee

   - ☐ *Original Applicant.* Fees shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

2. Noticing Requirement

   - ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C of Chapter 1A. Appellants for BSAs are considered Original Original Applicants.
   - ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).

See the Mailing Procedures Instructions (CP13-2074) for applicable requirements.

## NUISANCE ABATEMENT / REVOCATIONS

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 12.27.1 C.4 of Chapter 1. Nuisance Abatement/Revocations cases are only appealable to the City Council.

1. Appeal Fee

   - ☐ *Applicant (Owner/Operator).* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

     For appeals filed by the property owner and/or business owner/operator, or any individuals/ agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) of Chapter 1 shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

   - ☐ *Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.

February 24, 2024

Leo Mellace
The Sound Factory
6357 Selma Ave.
Los Angeles, CA 90028

Los Angeles City Council, Planning and Land Use Management Committee
Los Angeles City Hall
200 N. Spring Street
Los Angeles, CA 90012

**RE: Justifications of Appeal of Advisory Agency approval of the Vesting Tentative Tract Map and EIR for the Artisan Hollywood Project**
Case No.: VTT 82764; CEQA Case No.: ENV-2019-5591-EIR (SCH NO. 2020110295)
Project Addresses: 1520-1542 N. Cahuenga Blvd; 1523-1549 N. Ivar Ave.; 6350 W. Selma Ave.

Honorable PLUM Chair and Committee members:

The Sound Factory is located directly across from the proposed Artisan Hollywood Project, a 25-story, 300,996 sq. ft. mixed-use development that would be constructed over a two-year period only 50 feet from our stages. We are adversely affected by the City's failure to comply with the California Environmental Quality Act (CEQA), State Planning and Zoning Law, and local law in approving the Project. We have a direct and substantial beneficial interest in ensuring that the City complies with laws related to environmental protection, as our interests are directly and adversely affected by the City's approval of the Project.

I am the owner of The Sound Factory (originally known as Moonglow Records and Recording), which has been the home of albums by The Jackson 5, Marvin Gaye, James Taylor, Linda Ronstadt, Elton John, the Mammas and the Pappas, Jackson Browne, Neil Diamond, Dolly Parton, Daryl Hall and John Oats, Sheryl Crow, Pearl Jam, Red Hot Chili Peppers, and hundreds of other major artists. We have preserved the rooms and equipment where those artists' classic albums were formulated, recorded, and mixed, retaining the distinctly rich acoustics sought by key professionals in the music industry.

All of that will be lost if the Artisan Hollywood project is developed as approved. As acknowledged in the Environmental Impact Report (EIR), the project will require thousands of haul trips for the excavation of its subterranean garage, it will create noise and vibration that significantly exceeds existing ambient levels and has no feasible means of mitigation, and when completed it would include rooftop amenities and 320 parking spaces that would generate noise and vibration levels that would make recording impossible,

The construction over 26 months with the admitted noise and sound vibration will harm this property, harm this business, harm our employees, and violates core principles, goals and policies of the Hollywood Redevelopment Plan. The applicant's and city's responses to our comments regarding inadequate assessment of infrastructure impacts are weak and do not deal with the real issues we have identified. Planning staff and the applicants have responded to our proposals for adequate mitigation measures by claiming that the alternatives proposed in letters

submitted by our attorney and expert consultants would be unreasonable and infeasible and would not substantially reduce impacts, but they provide no substantial evidence for such conclusions. Without such evidence, the EIR's Statement of Overriding Considerations cannot be adopted or recommended since all feasible mitigation measures to reduce project impacts have not been adopted.

The EIR's Historical Resources Technical Report acknowledges that The Sound Factory is an off-site historic resource eligible for listing in the California Register and for local designation, noting our "significant association with the music industry." The report however failed in only analyzing a change in setting of the building's exterior when assessing the Project's potential historic impacts. The review completely ignores the importance of the physicality of The Sound Factory's interior recording studios and the history of the artists who have recorded here in its determination of cultural impacts. The proposed project will permanently eliminate our ability to operate as a recording studio, forcing its closure and resulting in a specific adverse impact on The Sound Factory as a historic resource.

Furthermore, the Artisan Hollywood project site is immediately adjacent to a proposed 21-story project on the former Jack in the Box property at 6407 Sunset Blvd., where a four-level subterranean parking structure is planned (Case No. CPC-2015-2893). Immediately across Sunset Blvd., at the former home of Amoeba Records, a 26-story skyscraper has also been approved (CPC-2016-3630). Should these three projects -- which total 745 residential units and almost 675,000 sq. ft. of development -- be constructed concurrently the impacts to noise and traffic congestion would be devastating; if the projects do not overlap, we would face years of construction activity that will undermine our ability to operate and attract clients.

Not only would The Sound Factory be irreparably damaged by the proposed Artisan Hollywood project and by cumulative related projects, but as noted in a letter submitted to the EIR by the Los Angeles Film School, the ability of students to pursue their education would also be significantly undermined.

None of this is adequately addressed in the EIR, and none of this was seriously considered by the City Planning Commission. At its December 14, 2023 hearing, City Planning Commission member Karen Mack requested a continuance in order to have planning department staff develop additional mitigation measures to ensure our survival, stating:

> *"…My preference would be to see what comes out of the negotiations before I approve it, because I have a concern, and I understand studies, but we're talking about expertise here that goes beyond a noise study in terms of these technicians who are staffing the recording sessions. And they deal with noise all the time, I'm sure. And so trying to manage that is their job*."

Commission President Millman, however, dismissed the request for more information by simply stating: "*I'm 99.99% sure that the tract map decision that we make will be appealed to council, and that in doing so there will be that time for the applicant and appellant to continue that conversation and come to some sort of agreement…*" Such a cavalier response is not due diligence as required under the city charter, but a clear abuse of discretion. The commission blatantly ignored expert testimony and never seriously considered our appeals.

The Artisan Hollywood project will have a specific adverse impact on The Sound Factory as a historic resource and is therefore in conflict with State law and local ordinance regarding findings associated with subdivision approvals that prohibit substantial environmental damage. Unless effective mitigation measures are conditioned upon construction and operation of the proposed project, the city's approvals must be revoked. Instead, the commission waived diligence and serious review aside. As simplistically stated by Commissioner Alvarez: "*This is an urbanized, a very urbanized area, and construction is an urban activity that happens in an urbanized area*."

**The proposed map is inconsistent with the goals and policies of the Hollywood Community Plan and the Hollywood Redevelopment Plan.**

The goals and policies of the Hollywood Redevelopment Plan emphasize the importance of the entertainment industry to Los Angeles. Goal #6 of the 2003 amended Plan states: "*Support and promote Hollywood as the center of the entertainment industry and a tourist destination through the retention, development and expansion of all sectors of the entertainment industry and the preservation of landmarks related to the entertainment industry*."

The city's contention that aesthetic impacts do not need to be reviewed for historic districts is legally wrong and the EIR is fatally flawed. On that ground, the proposed Artisan tower would be highly incompatible with the existing area the Hollywood redevelopment plan controls. And here the redevelopment plan, including section 511 and a multitude of other sections, have extraordinarily strong protections for historic and cultural resources and for maintaining Hollywood's traditional industry.

The responses to our comments regarding inadequate assessment of infrastructure impacts are weak and do not deal with the real issues we identified. Staff rejects all of the suggested mitigation measures that we've made, saying they're already doing them or they are not necessary. That is inadequate.

The Hollywood Community Plan further emphasizes the importance of the entertainment industry, seeking to "*Honor Hollywood's legacy through the preservation of the built environment that reflects Hollywood's cultural, social, economic, and architectural history*" (Goal P.1); "*Promote the establishment, retention, and expansion of media, entertainment, and creative office uses in Hollywood" (LU10.1), and "Support the investment, modernization, and growth of Hollywood's studio facilities and supporting uses as important job providers*" (LU10.2).

None of these goals and policies is advanced by approval of the Artisan Hollywood development. As noted in our submitted noise and vibration analyses prepared by RNS Acoustics, and further environmental review by The Silverstein Law Firm, development of the project will make recording impossible.

The Sound Factory adopts all objections submitted into the record as its own. Please note that we reserve the right to supplement this appeal.

Thank you,

Leo Mellace
Owner – Sound Factory

# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

## LETTER OF DETERMINATION

**MAILING DATE: FEBRUARY 14, 2024**

**Case No. VTT-82764-1A** Council District: 13 – Soto-Martinez
CEQA: ENV-2019-5591-EIR (SCH No. 2020110295)
Plan Area: Hollywood
Related Cases: ZA-2019-5590-ZV-TOC-SPR

**Project Site:** 1520 – 1542 North Cahuenga Boulevard; 1523 – 1549 North Ivar Avenue
6350 West Selma Avenue

**Applicant:** Mark Laderman, Artisan Ventures
Representative: Todd Nelson, Rand, Paster & Nelson, LLP

**Appellant:** Leo Mellace, The Sound Factory
Representative: Robert Silverstein, The Silverstein Law Firm

At its meeting of **December 14, 2023**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Merger and re-subdivision of a 1.55-acre (67,581 square-foot) site into one ground lot and for commercial condominium purposes, as shown on the map stamp-dated September 19, 2019, and a Haul Route for the export of up to 69,333 cubic yards of soil.

1. **Found**, pursuant to Section 21082.1(c) and 21081.6 of the Public Resources Code, that the City Planning Commission has reviewed and considered the information contained in the Draft Environmental Impact Report ENV-2019-5591-EIR (SCH No. 2020110295), dated September 2022, the Final EIR, dated August 2023, and Erratum, dated August 2023 (Artisan Hollywood Project EIR), as well as the whole administrative record; and
   **CERTIFIED** the following:
   a. The Artisan Hollywood Project EIR has been completed in compliance with CEQA;
   b. The Artisan Hollywood Project EIR was presented to the City Planning Commission as a decision-making body of the lead agency; and
   c. The Artisan Hollywood Project EIR reflects the independent judgement and analysis of the lead agency.
   **ADOPTED** the following:
   a. The related and prepared Artisan Hollywood Project EIR Environmental Findings;
   b. The Statement of Overriding Considerations; and
   c. The Mitigation Monitoring Program prepared for the Artisan Hollywood Project EIR.
2. **Denied** the appeal and **sustained** the decision of the Advisory Agency dated September 15, 2023;
3. **Approved**, pursuant to Sections 17.03 and 17.15 of the Los Angeles Municipal Code, a Vesting Tentative Tract No. VTT-82764 (stamped map, dated September 19, 2019) for the merger and re-subdivision of 1.55-acre (67,581 square-foot) site into one ground lot and for commercial condominium purposes; and a Haul Route for the export of up to 69,333 cubic yards of soil;
4. **Adopted** the attached Conditions of Approval; and

5. **Adopted** the attached Findings.
The vote proceeded as follows:

| | |
|---|---|
| Moved: | Noonan |
| Second: | Lawshe |
| Ayes: | Gold, Leung, Mack, Millman, Zamora |
| Absent: | Cabildo, Choe |

**Vote:** **7 – 0**

Cecilia Lamas, Commission Executive Assistant II
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission related to the Vesting Tentative Tract Map is appealable to City Council within 10 days after the mailing date of this determination letter. Any appeal not filed within the 10-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

**FINAL APPEAL DATE: FEBRUARY 26, 2024**

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Conditions of Approval, Findings, Appeal Filing Procedures

cc: Milena Zasadzien, Principal City Planner
Mindy Nguyen, Senior City Planner
Jason McCrea, City Planner
Erin Strelich, City Planning Associate

# CONDITIONS OF APPROVAL

The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property. For an appointment with the Development Services Center call (213) 482-7077, (818) 374-5050, or (310) 231-2901.

The Advisory Agency's consideration is subject to the following conditions:

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

**NOTE** on clearing conditions: When two or more agencies must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

**BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

*(Additional BOE improvement conditions are listed in the "Standard Conditions" Section)*

1. That a 10-foot by 10-foot property line corner cut be dedicated at the intersection of Selma Avenue and Ivar Avenue adjoining the tract.

2. That the subdivider make a request to BOE Central District to determine the capacity of the existing sewer in the area.

**DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION**

3. The Tract Map recorded with the County Recorder shall contain the following statement: "The approval of this Tract Map shall not be construed as having been based upon a geological investigation such as will authorize the issuance of the building permit of the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits."

4. Comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.

**DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

5. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:

    a. Provide copy of building records, plot plan, and certificate of occupancy of all existing structures to verify the last legal use and the number of parking spaces required and provided on each site.

    b. Obtain permits for the removal of portion of existing structures on the site. Or obtain approval from the Department of Bureau of Engineering. Provide copies of the building permits and signed inspection cards to show completion of the work.

c. Provide a copy of D condition(s). Show compliance with the above condition(s) as applicable or Department of City Planning approval is required.

d. Provide a copy of affidavit AFF-6144 and PKG-2120. Show compliance with all the conditions/requirements of the above affidavit(s) as applicable. Termination of above affidavit(s) may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.

e. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).

Notes:

The existing or proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Eric Wong at (213) 482-6876 to schedule an appointment.

**DEPARTMENT OF TRANSPORTATION**

6. That the project be subject to any recommendations from the Department of Transportation.

**FIRE DEPARTMENT**

7. Submit plot plans for Fire Department approval and review prior to the recordation of the final map.

8. Access for Fire Department apparatus and personnel to and into all structures shall be required.

9. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field Inspector. (Refer to FPB Req # 75).

10. 505.1 Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

11. The entrance to a Residential lobby must be within 50 feet of the desired street address curb face.

12. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.

13. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

14. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

15. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.

16. 2014 CITY OF LOS ANGELES FIRE CODE, SECTION 503.1.4 (EXCEPTION)

    a. When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.

    b. It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term “horizontal travel” refers to the actual path of travel to be taken by a person responding to an emergency in the building.

    c. This policy does not apply to single-family dwellings or to non-residential buildings.

17. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, Private Street or Fire Lane. This stairwell shall extend onto the roof.

18. Entrance to the main lobby shall be located off the address side of the building.

19. Any required Fire Annunciator panel or Fire Control Room shall be located within 20ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.

20. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.

21. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.

22. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.

23. Submit plot plans indicating access road and turning area for Fire Department approval.

24. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department’s review of the plot plan.

25. Standard cut-corners will be used on all turns.

26. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.

27. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.

28. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.

29. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.

30. 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

31. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing facilities are still required on all High-Rise buildings in the City. However, FPB's Requirement 10 has been revised to provide two new alternatives to a full FAA-approved helicopter landing facilities.

32. Each standpipe in a new high-rise building shall be provided with two remotely located FDC's for each zone in compliance with NFPA 14-2013, Section 7.12.2.

Note: The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting please call **(213) 482-6509**. You should advise any consultant representing you of this requirement as well.

**DEPARTMENT OF WATER AND POWER**

33. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1.(c).)

**BUREAU OF STREET LIGHTING – SPECIFIC CONDITIONS**

See Standard Condition S-3(c) for Street Lighting Improvement Conditions.

**BUREAU OF STREET SERVICES**

*Please see Department of City Planning Condition No. 43 for the approved haul route conditions.*

34. REQUIRED PERMIT FEE AND BOND: PERMIT FEE MUST BE PAID BEFORE THE DEPARTMENT OF BUILDING AND SAFETY WILL ISSUE A GRADING PERMIT. Under

the provisions of Section 62.201 of the Los Angeles Municipal Code, the following permit fee shall be required:

a. A total of 69,333 cubic yards of material moved .51 miles within the hillside at a rate of $0.29 per cubic yard per mile would exceed the maximum chargeable under the Ordinance. Therefore, the maximum fee chargeable, $3000.00 shall be due.

b. The required permit fee shall be paid at the Street Services Investigation and Enforcement Division office, 1149 South Broadway, Suite 350, Los Angeles, CA 90015, telephone (213) 847-6000.

c. Under the provisions of Section 62.202 of the Los Angeles Municipal Code, a cash bond or surety bond in the amount of $50,000.00 shall be required from the property owner to cover any road damage and/or street cleaning costs resulting from the hauling activity.

d. Forms for the bond will be issued by Bond Control, Bureau of Engineering Valley District Office, 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401, telephone (818) 374-5090.

**BUREAU OF SANITATION**

35. The Clean Water Conveyance Divisions of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found no potential problems to their structure or potential maintenance problem, as stated in the memo dated October 16, 2019. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Clean Water Conveyance Divisions will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

    If you have any questions, please contact Rafael Yanez at (323) 342-1563.

**DEPARTMENT OF RECREATION AND PARKS**

36. The Park Fee paid to the Department of Recreation and Parks shall be calculated as a Subdivision (Quimby in-lieu) fee.

**URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING**

37. The applicant shall submit a tree report and a landscape plan prepared by a Tree Expert, as required by LAMC Ordinance No. 177,404, for approval by the City Planning Department and the Urban Forestry Division, Bureau of Street Services. The Tree Report shall contain the Tree Expert's recommendations for the preservation of as many desirable (eight inches diameter or greater) trees as possible and shall provide species, health, and condition of all trees with tree locations plotted on site survey. An on-site 1:1 tree replacement shall be required for the unavoidable loss of any desirable on-site trees.

    Note: Removal of Protected trees requires the approval of the Board of Public Works. Contact Urban Forestry Division at: (213) 847-3077 for tree removal permit information. CEQA document must address protected tree removals.

38. Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. Parkway tree removals shall be replanted at a 2:1 ratio. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree

plantings, the subdivider or contractor shall notify the Urban Forestry Division at: (213) 847-3077 upon completion of construction to expedite tree planting.

Note: Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: (213) 847-3077 for permit information. CEQA document must address parkway tree removals.

**INFORMATION TECHNOLOGY AGENCY**

39. To assure that cable television facilities will be installed in the same manner as other required improvements, please email cabletv.ita@lacity.org that provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of three people in case the applicant/owner has any additional questions.

**DEPARTMENT OF CITY PLANNING - SITE SPECIFIC CONDITIONS**

40. Prior to the issuance of the building permit or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

    a. Limit the proposed development to one ground lot;

    b. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit; and

    c. That the subdivider consider the use of solar energy and consult with the Department of Water and Power regarding feasible energy conservation measures.

41. Prior to the issuance of the building permit or the recordation of the final map, a copy of the Case No. ZA-2019-5590-ZV-TOC-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event that Case No. ZA-2019-5590-ZV-TOC-SPR is not approved, the subdivider shall submit a tract modification.

    Note to Zoning Engineer: For the purposes of this subdivision, the Advisory Agency has determined the yards shall be considered as follows:

    - Front Yards: All yards abutting a public right-of-way shall be designated as front yards, specifically Ivar Avenue, Selma Ave, and Cahuenga Avenue;

    - Side Yards: All interior lot lines shall be designate as side yards; and

    - Rear Yards: There are no rear yards.

42. That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730 prior to obtaining any permit. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

    In the event the subdivider decides not to request a permit before the recordation of the final map, the following statement shall appear on the plan and be recorded as a covenant and agreement satisfactory to the Advisory Agency guaranteeing that:

a. The planting and irrigation system shall be completed by the developer/builder prior to the close of escrow of 50 percent of the units of the project or phase.

b. Sixty days after landscape and irrigation installation, the landscape professional shall submit to the homeowners/property owners association a Certificate of Substantial Completion (Sec. 12.40 G LAMC.)

c. The developer/builder shall maintain the landscaping and irrigation for 60 days after completion of the landscape and irrigation installation.

d. The developer/builder shall guarantee all trees and irrigation for a period of six months and all other plants for a period of 60 days after landscape and irrigation installation.

43. Haul Route Conditions.

a. Haul Route Staging: No staging on Cahuenga Blvd., Selma Ave., or Ivar Ave. All trucks shall be staged on jobsite. **NO INTERFERENCE TO TRAFFIC, ACCESS TO DRIVEWAYS MUST BE MAINTAINED AT ALL TIMES.**

b. Streets to be used are limited as follows:

Loaded Truck: Exit jobsite onto Selma Ave (Eastbound); Left onto Argyle Ave (Northbound); Enter onto S/B Hollywood Fwy (US-101); Merge onto E/B San Bernardino Fwy (I-10); Continue to disposal site outside of City limits.

Empty Truck: Enter onto W/B San Bernardino Fwy (I-10); Merge onto N/B Hollywood Fwy (US-101); Exit towards Gower St (Southbound); Right onto Selma Ave (Westbound) to jobsite: 6350 W Selma Ave.

c. Hauling shall be from 9AM to 3PM weekdays, and 8AM to 4PM on Saturdays. NO HAULING SHALL BE PERFORMED ON SUNDAYS AND HOLIDAYS.

d. The vehicles used for hauling shall be Bottom dump & 18-Wheeler trucks.

e. All trucks are to be cleaned of loose earth at the export site to prevent spilling. The contractor shall remove any material spilled onto the public street.

f. All trucks are to be watered at the export site to prevent excessive blowing of dirt.

g. The applicant shall comply with the State of California, Department of Transportation policy regarding movement of reducible loads.

h. Total amount of direct to be hauled shall not exceed 69,333 cubic yards.

i. “Truck Crossing” warning signs shall be placed 300 feet in advance of the exit in each direction.

j. Flagger control should be provided during the hauling operations to assist with ingress/egress of truck traffic and pedestrian traffic on Selma Ave. Should the sidewalk need to be closed during hauling, a permit and approval from the Department of Public Works, Bureau of Street Services is required, and the proper sidewalk detour shall be implemented per CA MUTCD TA-28 or page 48 of the WATCH Manual. If you have any questions, please call Oliver Hou at (323) 957-6823.

k. Flagpersons shall be required at the job site to assist the trucks in and out of the project area. Flagpersons and warning signs shall be in compliance with Part II of the latest Edition of “Work Area Traffic Control Handbook”.

l. The permittee shall comply with all regulations set forth by the State of California, Department of Motor Vehicles pertaining to the hauling of earth.

m. The City of Los Angeles, Department of Transportation, telephone (213) 485-2298, shall be notified 72 hours prior to beginning operations in order to have temporary “No Parking” signs posted along streets in haul route.

n. The Contractor shall contact LADOT at (213) 485-2298 at least four business days prior to hauling to post “Temporary Tow Away No Stopping” signs along Selma Ave. adjacent to jobsite if needed for hauling.

o. A copy of the approval letter from the City, the approved haul route and the approved grading plans shall be available on the job site at all times.

p. Any change to the prescribed routes, staging and/or hours of operation must be approved by the concerned governmental agencies. Contact the Street Services Investigation and Enforcement Division at (213) 847-6000 prior to effecting any change.

q. The permittee shall notify the Street Services Investigation and Enforcement Division at (213) 847-6000 at least 72 hours prior to the beginning of hauling operations and shall notify the Division immediately upon completion of hauling operations.

r. The application shall expire eighteen months after the date of the Board of Building and Safety Commission and/or the Department of City Planning approval. The permit fee shall be paid to the Street Services Investigation and Enforcement Division prior to the commencement of hauling operations.

44. Indemnification and Reimbursement of Litigation Costs. Applicant shall do all of the following:

i. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City’s processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City’s processing and approval of the entitlement, including but not limited to payment of all court costs and attorney’s fees, costs of any judgments or awards against the City (including an award of attorney’s fees), damages, and/or settlement costs.

iii. Submit an initial deposit for the City’s litigation costs to the City within 10 days’ notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney’s Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than $50,000. The City’s failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph ii.

iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph ii.

v. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with <u>any</u> federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

**DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES**

45. <u>Implementation</u>. The Mitigation Monitoring Program (MMP), that is part of the case file and attached as Exhibit B, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each MM has been implemented. The Applicant shall maintain records demonstrating compliance with each MM. Such records shall be made available to the City upon request.

46. <u>Construction Monitor</u>. During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the MM during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

47. Substantial Conformance and Modification. After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the MMs contained in the MMP. The enforcing departments or agencies may determine substantial conformance with MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the MMs. Any addendum or subsequent CEQA clearance shall explain why the MM is no longer needed, not feasible, or the other basis for modifying or deleting the MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the MM results in a substantial change to the Project or the non-environmental conditions of approval.

**BUREAU OF ENGINEERING - STANDARD CONDITIONS**

S-1.

(a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the Los Angeles Municipal Code (LAMC).

(b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.

(c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.

(d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such

easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.

(e) That drainage matters be taken care of satisfactory to the City Engineer.

(f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.

(g) That any required slope easements be dedicated by the final map.

(h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.

(i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.

(j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.

(k) That no public street grade exceeds 15 percent.

(l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 2010.

S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:

(a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.

(b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.

(c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.

(d) All improvements within public streets, private streets, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.

(e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements are either constructed prior to recordation of the final map or that the construction is suitably guaranteed:

(a) Construct on-site sewers to serve the tract as determined by the City Engineer.

(b) Construct any necessary drainage facilities.

(c) No street lighting improvements if no street widening per BOE improvement conditions. Otherwise, relocate and upgrade street lights: two (2) on Cahuenga Blvd., one (1) on Selma Ave., and three (3) on Ivar Ave.

Notes: The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering condition S-3 (i), requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

(d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213) 847-3077) upon completion of construction to expedite tree planting.

(e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.

(f) Construct access ramps for the handicapped as required by the City Engineer.

(g) Close any unused driveways satisfactory to the City Engineer.

(i) That the following improvements are either constructed prior to recordation of the final map or that the construction is suitably guaranteed:

(1) Improve Cahuenga Boulevard adjoining the subdivision with the repair and replacement of any broken or off-grade concrete curb, gutter, sidewalk, and roadway pavement, including any necessary removal and reconstruction of existing improvements.

(2) Improve Ivar Avenue adjoining the subdivision with the repair and replacement of any broken or off-grade concrete curb, gutter, sidewalk, and roadway pavement. Improve the 10-foot by 10-foot corner cut dedicated area with concrete sidewalk and ADA compliant curb ramp, including any necessary removal and reconstruction of existing improvements.

(3) Improve Selma Avenue adjoining the subdivision by the construction of a new concrete curb, gutter and a full- width concrete sidewalk with tree wells. Repair any broken or off-grade roadway pavement, including any necessary removal and reconstruction of existing improvements.

NOTES:

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of

all new utility lines in conformance with Section 17.05 N of the Los Angeles Municipal Code (LAMC).

The final map must be recorded within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

# FINDINGS

## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

## I. INTRODUCTION

This Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of the Artisan Hollywood Project (Project), on an approximately 1.55-acre site located at 1520-1542 North Cahuenga Boulevard, 1523-1549 North Ivar Avenue, and 6350 West Selma Avenue in the Hollywood Community Plan Area of the City of Los Angeles (Site or Project Site). As analyzed in the EIR, the Project proposes the development of a 25-story building that would include 270 multi-family residential units (including 27 units restricted for Extremely Low Income households) and 6,790 square feet of ground floor commercial space. The Project's proposed uses would be supported by vehicle parking spaces in four subterranean parking levels and two above-grade parking levels, as well as bicycle parking spaces. The Project would also include open space and recreational amenities, including a landscaped amenity deck on Level 4, a roof deck, and street-level landscaping. When including the existing buildings to be retained on the Site, the Project would result in up to 300,996 square feet of floor area on a 66,896 square foot site (post-dedication) with a maximum floor area ratio (FAR) of up to 4.5:1. However, following release of the Final EIR, the project was modified and reduced in scope as compared to the Project as analyzed in the EIR. The Modified Project includes 260 multi-family residential units (26 of which are restricted for Extremely Low Income households), a reduction of 10 residential units from the Project as described and studied in the EIR. As the Modified Project is within the scope of the Project as analyzed in the EIR, the following findings apply to both the Project as described in the EIR, as well as the Modified Project. Therefore, the term "Project" is used in these Findings for statements that are equally applicable to the Project as studied in the EIR, and the Modified Project.

The City of Los Angeles (City), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an environmental impact report (EIR) (Case Number ENV-2019-5591-EIR/State Clearinghouse No. 2020110295). The EIR was prepared in compliance with the California Environmental Quality Act of 1970 (CEQA), Public Resources Code (PRC) Section 21000 et seq. and the California Code of Regulations Title 15, Chapter 6 (CEQA Guidelines). The findings discussed in this document are made relative to the conclusions of the EIR.

CEQA Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." PRC Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See PRC Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.

2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should be, adopted by that other agency.

3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the Final EIR for the Project as fully set forth therein. Although Section 15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely “potentially significant”, these findings nevertheless fully account for all such effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the Project. For each environmental issue analyzed in the EIR, the following information is provided:

The findings provided below include the following:

- Description of Significant Effects - A description of the environmental effects identified in the EIR.

- Project Design Features - A list of the project design features or actions that are included as part of the Project.

- Mitigation Measures - A list of the mitigation measures that are required as part of the Project to reduce identified significant impacts.

- Finding - One or more of the three possible findings set forth above for each of the significant impacts.

- Rationale for Finding - A summary of the rationale for the finding(s).

- Reference - A reference of the specific section of the EIR which includes the evidence and discussion of the identified impact.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines Sections 15093, 15043[b]; see also PRC Section 21081[b].)

## II. ENVIRONMENTAL REVIEW PROCESS

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents:

**Initial Study.** The Project was reviewed by the City of Los Angeles Department of City Planning (Lead Agency) in accordance with the requirements of CEQA (PRC Section 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the State CEQA Guidelines.

**Notice of Preparation.** Pursuant to the provisions of Section 15082 of the State CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 30-day period commencing on November 20, 2020 and ending on December 21, 2020. The purpose of the NOP was to formally inform the public that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. Written comment letters responding to the NOP were submitted to the City by various public agencies, interested organizations and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

**Draft EIR.** The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a "No Project" alternative. The Draft EIR for the Project (State Clearinghouse No. 2020110295), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 45-day public comment period beginning on September 22, 2022, and ending on November 7, 2022. A Notice of Availability (NOA) was distributed on September 22, 2022 to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and the following local libraries: Los Angeles Central Library, Frances Howard Goldwyn Hollywood Regional Library, and Will & Ariel Durant Branch Library. A copy of the document was also posted online at https://planning.lacity.org. Notices were filed with the County Clerk on September 26, 2022.

**Notice of Completion.** A Notice of Completion was sent with the Draft EIR to the Governor's Office of Planning and Research State Clearinghouse for distribution to State Agencies on September 21, 2022, and notice was provided in newspapers of general and/or regional circulation.

**Final EIR.** The City released a Final EIR for the Project on August 4th, 2023, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section II, Responses to Comments, of the Final EIR. On August 3rd, 2023, responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

**Erratum.** The City released an Erratum to the Final EIR on August 29, 2023 to incorporate responses to a Caltrans comment letter submitted in response to the Draft EIR, that was inadvertently omitted from the Final EIR.

**Public Hearing**. A noticed joint public hearing for the Project was held by the Deputy Advisory Agency and the Zoning Administrator on August 30, 2023.

**City Planning Commission**. A noticed City Planning Commission meeting for appeals to the Project was held on December 14, 2023.

## III. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents and other materials that constitute the administrative record upon which the City approved the Project. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

- All Project plans and application materials including supportive technical reports;
- The Draft EIR and Appendices, and Final EIR and Appendices, and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments (SCAG)'s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2019011061));
- Municipal Code of the City of Los Angeles, including but not limited to the Zoning Ordinance and Subdivision Ordinance;
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by PRC Section 21167.6(e).

Pursuant to CEQA Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the Record of Proceedings upon which the City has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the record of proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Room 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at https://planning.lacity.org/development-services/eir (to locate the documents, search for either the environmental case number or project title in the Search Box). The Draft and Final EIR are also available at the following four Library Branches:

- Los Angeles Central Library—630 West Fifth Street, Los Angeles, CA 90071
- Frances Howard Goldwyn Hollywood Regional Library—1623 North Ivar Avenue, Los Angeles, CA 90028

- Will & Ariel Durant Branch Library—7140 West Sunset Boulevard, Los Angeles, CA 90046

## IV. PROJECT DESCRIPTION

The Project proposes to develop a new 25-story mixed-use building comprised of 270 residential dwelling units (including 27 units restricted to Extremely Low Income households) and 6,790 square feet of ground floor commercial space, including restaurant, and retail uses. The height of the proposed building would be approximately 268 feet to the top of the parapet, with additional projections (e.g., stairwell and elevator penthouses and mechanical enclosures) reaching a maximum height of 286 feet. The Project would replace the surface parking area within the northeast portion of the Project Site (Development Area), while the six existing buildings located in the southern and western portions of the Project Site would be retained. Approximately 4,000 square feet of floor area within the existing commercial buildings has been vacant since prior to 2018 but is anticipated to be occupied in the future with high-turnover restaurant uses. When including the existing buildings to be retained, the Project would result in 300,996 square feet of floor area with a maximum FAR of up to 4.5:1. The uses within the Project Site would be supported by vehicle parking spaces located in two above-ground and four subterranean parking levels, and bicycle parking spaces. The subterranean parking levels would require an estimated maximum depth of excavation of 50 feet below grade, resulting in the export of up to 69,333 cubic yards of soil. The Project would also include open space and recreational amenities.

## V. NO IMPACT OR LESS THAN SIGNIFICANT WITHOUT MITIGATION

Impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact as a result of implementation of project design features and compliance with existing regulations) and that require no mitigation are identified below. The City has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by the Project and therefore, no additional findings are needed. The following information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

### Impact Summary

### Aesthetics:

As discussed on pages 24 through 33 of the Initial Study included in Appendix A of the Draft EIR, and on page VI-21 in Chapter VI, Other CEQA Considerations, of the Draft EIR, pursuant to SB 743 [PRC Section 21099(d)] and the City's Zone Information (ZI) File No. 2452, the Project's aesthetic impacts shall not be considered significant impacts on the environment because the Project is a mixed-use residential project located on an infill site within a Transit Priority Area (TPA). Therefore, as discussed in the Initial Study, pursuant to SB 743 and ZI File No. 2452, aesthetic impacts, including Project-level and cumulative impacts related to scenic vistas, scenic resources, visual character or quality, shading, light, and glare, are not considered significant.

### Agricultural and Forestry Resources:

As discussed on pages 33 through 35 of the Initial Study included in Appendix A of the Draft EIR, and on page VI-21 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is located in an urbanized area, is currently developed with commercial uses and surface parking, does not contain farmland or forest land, is not zoned for agricultural or forest uses, and is not subject to a Williamson Act contract. As such, the Project would not convert farmland to a

non-agricultural use, conflict with any zoning for agricultural uses or a Williamson Act Contract, conflict with existing zoning for, or cause rezoning of, forest land or timberland, result in the loss or conversion of forest land, or result in the conversion of farmland to non-agricultural use or in the conversion of forest land to non-forest use. Therefore, the Project would have no Project-level or cumulative impacts related to agriculture and forestry resources.

**Air Quality:**

As discussed on pages IV.A-46 through IV.A-57 in Section IV.A Air Quality of the Draft EIR, the Project would further the goals, policies, and objectives of the South Coast Air Quality Management District's (SCAQMD) Air Quality Management Plan (AQMP), the Southern California Association of Governments' (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and the Air Quality Element of the City's General Plan (Air Quality Element) in that it would: represent urban infill development within a SCAG-designated High Quality Transit Area (HQTA) and a City-designated TPA in close proximity to transit which would encourage alternative modes of travel and reduce vehicle miles traveled (VMT) and associated emissions; comply with applicable air emission reduction and energy conservation requirements; be consistent with current growth projections; and, implement Project Design Features to reduce emissions, including Project Design Feature AIR-PDF-1, to reduce construction emissions. Thus, the Project would not conflict with or obstruct implementation of the AQMP or conflict with City policies regarding reduction in emissions. As such, Project-level and cumulative impacts regarding conflicting with or obstruction of applicable air quality plans would be less than significant.

As to construction air quality impacts, as discussed on pages IV.A-57 through IV.A-61 in Section IV.A, Air Quality of the Draft EIR, and the *Air Quality and Greenhouse Gas Emissions Worksheets* included in Appendix B of the Draft EIR, and presented on Table IV.A-6, *Estimate of Maximum Regional Project Daily Construction Emissions (pounds per day)*, and Table IV.A-8, *Estimate of Maximum Localized Daily Project Construction Emissions (pounds per day)* of the Draft EIR, the Project's combined on- and off-side construction emissions would not exceed the SCAQMD daily significance thresholds for the criteria pollutants Volatile Organic Compounds (VOC), Nitrogen Oxide ($NO_x$), Carbon Monoxide (CO), Sulfur Dioxide ($SO_x$), or Particulate Matter ($PM_{10}$ and $PM_{2.5}$) for regional and localized daily emissions. Therefore, during construction, Project-level and cumulative construction air quality impacts related to net increases in criteria pollutants would be less than significant.

As to operational air quality impacts, as discussed on pages IV.A-58 through IV.A-61 in Section IV.A, Air Quality of the Draft EIR, and the *Air Quality and Greenhouse Gas Emissions Worksheets* included in Appendix B of the Draft EIR, and presented on Table IV.A-7, *Estimate of Maximum Regional Project Daily Operational Emissions-At Project Buildout* of the Draft EIR, while Project operation would generate air emissions, the Project would not exceed SCAQMD regional emissions thresholds for any criteria pollutants during operations. Therefore, during operation, the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in nonattainment under an applicable federal or State ambient air quality standard. As such, during Project operation, the Project-level and cumulative impacts associated with regional and localized emissions would be less than significant.

As discussed on pages IV.A-61 through IV.A-66 and on Table IV.A-8, *Estimate of Maximum Localized Daily Project Construction Emissions (pounds per day)* and Table IV.A-9, *Estimate of Maximum Localized Project Daily Operational Emissions-At Project Buildout (2025)(pounds per day)* in Section IV.A, Air Quality, of the Draft EIR, Project construction and operation would result in exposure of sensitive receptors to emissions. However, as shown in Table IV.A-8, maximum construction emissions would not exceed any of the SCAQMD-recommended localized screening thresholds. As to exposure to sensitive receptors of Toxic Air Contaminants (TAC) emissions

mainly due to diesel particulate emissions associated with heavy equipment used during construction, given the short-term construction schedule of approximately 26 months, the Project would not result in a long-term (i.e., 70-year) source of TAC emissions and Project-related TAC impacts during construction would be less than significant.

Due to the types of uses, the number of trips, and compliance with all applicable regulations, operation of the Project would: not introduce any major new sources of air pollution within the Project Site; not exceed the 1-hour CO threshold for localized mobile-source CO emissions; and, not contain substantial TAC sources. As such, these emissions during Project operation would not result in health hazards to sensitive receptors and, therefore, would not expose sensitive receptors to substantial pollutant concentrations. Therefore, Project-level and cumulative impacts related to Project construction and operational emissions associated with exposure of sensitive receptors to substantial pollutant concentrations would be less than significant.

As discussed on pages 36 through 37 of the Initial Study included in Appendix A of the Draft EIR, page IV.A-66 in Section IV.A, Air Quality, of the Draft EIR, and pages VI-21 through VI-22 in Chapter VI, Other CEQA Considerations, of the Draft EIR, any odors that may be generated during construction would be localized and temporary in nature and would not be sufficient to affect a substantial number of people, and the Project would not include land uses that are associated with odor complaints, as outlined in the SCAQMD *CEQA Air Quality Handbook*. In addition, construction and operation of the Project would also comply with SCAQMD Rules 401, 402, and 403 regarding visible emissions violations. As such, the Project's contribution to cumulative impacts would not be considerable, and the Project-level and cumulative impacts related to odor emissions would be less than significant.

**Biological Resources (Except construction-related impacts related to bats or other protected species):**

As discussed on pages 38 through 42 of the Initial Study included in Appendix A of the Draft EIR, and pages VI-22 through VI-26 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is a disturbed urban infill site with minimal ornamental landscaping and does not contain special-status plant or animal species, water bodies, wetlands, riparian habitat or other sensitive natural community. Additionally, the Project will comply with all applicable regulations regarding nesting sites including the Migratory Bird Treaty Act and the California Fish and Game Code. Thus, the Project would not: have a substantial adverse effect, either directly or through habitat modifications, on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS; have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted Habitat Conservation Plan or Natural Community Conservation Plan, and Project-level and cumulative impacts related to biological resources, except construction-related impacts related to bats or other protected species, would be less than significant.

**Cultural Resources:**

As described on pages IV.B-28 through IV.B-35 of Section IV.B, Cultural Resources, of the Draft EIR, the Artisan-Hollywood-Historical Resource Technical Report contained in Appendix C of the Draft EIR, and the Tribal Cultural Resources Report for The Artisan Hollywood Project contained in Appendix J of the Draft EIR, while the buildings located on the Project Site are not considered historical resources for the purposes of CEQA, there are one listed and seven potential historical

resources in the Project vicinity (1622 Wilcox Avenue; 6422 Selma Avenue; 1601 Cahuenga Boulevard; 6361 Selma Avenue; 1615 Vine Street; 6363 Sunset Boulevard; 6360 Sunset Boulevard, and 6300 Sunset Boulevard). However, the Project would not have any impact on the physical characteristics that convey the historic significance of the eight identified designated historical and potentially historical resources and justify their inclusion in, or eligibility for, applicable landmark and historic district designation programs. No identified archeological resources or human remains are listed at the Project Site and two archaeological resources are located within a 0.5-mile radius of the Project Site; therefore, the Project would not cause a direct impact to such resources. Nonetheless, the Project would implement the City's standard Conditions of Approval for the treatment of inadvertent discovery of archeological resources or human remains during construction and comply with regulatory measures regarding discovery of human remains. For these reasons, the Project would not: cause a substantial adverse change in the significance of a historical or archeological resource pursuant to CEQA Guidelines Section 15064.5; disturb any human remains, including those interred outside of dedicated cemeteries; or result in a considerable contribution to cumulative impacts related to cultural resources or human remains. Thus, Project-level and cumulative impacts related to cultural resources would be less than significant.

**Energy:**

As discussed on pages IV.C-21 through IV.C-45 of Section IV.C Energy of the Draft EIR, pages IV.K.3-5 through IV.K.3-13 of Section IIV.K.3 Utilities and Service Systems-Energy Infrastructure of the Draft EIR, and the Energy Worksheets included in Appendix D of the Draft EIR, Project construction activities and operation would consume electricity, natural gas, and transportation energy. However, this consumption would occur in accordance with applicable energy efficiency regulations and the Project's Transportation Demand Management (TDM) requirements, as well as Project Design Features GHG-PDF-1 (incorporating LEED or equivalent green building standards), GHG-PDF-2 (prohibiting natural gas-fueled fireplaces), and WAT-PDF-1 (incorporating water conservation and reduction features). Moreover, the Project would not conflict with the 2020-2045 RTP/SCS as it would develop a mixed-use infill project within a SCAG-designated HQTA in close proximity to transit, which would maximize transit and other alternative modes of transportation and minimize VMT and energy use. As such, the Project would not: result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during Project construction or operation; conflict with or obstruct a State or local plan for renewable energy or energy efficiency; or result in a considerable contribution to cumulative impacts related to energy resources. Therefore, Project-level and cumulative impacts related to energy resources would be less than significant.

**Geology and Soils (Except impacts related to paleontological resources):**

As discussed on pages 45 through 51 of the Initial Study included in Appendix A of the Draft EIR, in the Report of Geotechnical Evaluation for Entitlement Documents approved by the LADBS Grading Division and the Addendum Letter regarding Potential Hazard of Collapsible Soils included as Appendix IS-2 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-26 through VI-27 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project Site is relatively flat, with no geological or soils conditions which would be exacerbated by the Project, nor will the Project include a septic system. Additionally, the Project Site is not within the Alquist-Priolo Earthquake Fault Zone or within a City-designated Fault Rupture Study Area, no known faults underlie the Project Site, and the Project Site is not within a State-designated Liquefaction Hazard Zone, nor in a State or City mapped landslide area. As such, with implementation of regulatory requirements for construction, the Project would not: cause potential substantial adverse effects, caused in whole or in part by the Project's exacerbation of existing environmental conditions involving fault rupture, strong seismic ground, seismic-related ground failure (including liquefaction), or landslides; result in substantial soil erosion or loss of topsoil; be

located on a geologic unit that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, caused in whole or in part by the Project's exacerbation of the existing environmental conditions; result in impacts associated with expansive soils, creating substantial direct or indirect risks to life or property; involve a septic system; or result in a cumulatively considerable cumulative impact related to geology and soils. Therefore, the Project-level and cumulative impacts related to geology and soils would be less than significant.

**Greenhouse Gas (GHG) Emissions:**

As discussed on pages IV.E-50 through IV.E-81 in Section IV.E, Greenhouse Gas Emissions of the Draft EIR and in the Air Quality and Greenhouse Gas Emissions Worksheets in Appendix B of the Draft EIR, the Project would generate GHG emissions during construction and operation. However, the Project would be subject to applicable GHG emission reduction, energy conservation and TDM requirements, would implement Project Design Features GHG-PDF-1 (incorporating LEED or equivalent green building standards) and GHG-PDF-2 (prohibiting natural gas-fueled fireplaces), and would be developed on an urban infill site within an HQTA and TPA in close proximity to transit, all of which would reduce the Project's energy consumption, VMT, and associated GHG emissions. A quantitative analysis of GHG emissions was provided in the Draft EIR (pages IV.E-40 through IV.E-49 and IV.E-73 through IV.E-79 and Appendix B) for information purposes only; because there are no adopted numerical thresholds of significance for GHG emissions, the Project was analyzed to determine if it would conflict with plans adopted to reduce GHG emissions, and this consistency analysis was utilized to determine whether the Project could result in a potentially significant impact. As discussed on pages IV.E-50 through IV.E-81 of the Draft EIR, the Project would not conflict with such plans for all the reasons set forth therein including in Table IV.E-6, *Regulatory Compliance Measures within the 2008 Climate Change Scoping Plan and Subsequent Updates,* Table IV.E-7, *Consistency Analysis—2008 Climate Change Scoping Plan and Subsequent Updates,* Table IV.E-8, *Consistency with Applicable GHG Emissions Goals and Actions of the City's Green New Deal,* SCAG's RTP/SCS as analyzed in Table 5 of Appendix F, *Land Use Consistency Tables*, and Table IV.E-9, *Project Consistency with 2045 Carbon Neutrality Goals,* of the Draft EIR. As such, the Project would not: generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG; or result in a considerable contribution to cumulative impacts related to GHG emissions. Therefore, the Project level and cumulative impacts related to GHG emissions would be less than significant.

**Hazards and Hazardous Materials:**

As discussed on pages 52 through 58 of the Initial Study included in Appendix A of the Draft EIR, in the Phase I ESA included as Appendix IS-4 of the Initial Study contained in Appendix A of the Draft EIR; and on pages VI-28 through VI-31 in Chapter VI, Other CEQA Considerations of the Draft EIR, the Project would not use large quantities of hazardous materials; given that the types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used for commercial uses, the Project would not include the routine transport, use, or disposal of substantial amounts of hazardous materials, and would follow all applicable hazardous materials regulations and manufacturer specifications/instructions; the Project would comply with all applicable regulations regarding the handing, disposal and accidental spill or release of hazardous materials including compliance with the LAMC regarding methane and PCBs, asbestos, or lead-based paint; the Project would not be located within one-quarter mile of an existing or proposed school; the Project would not be located on a site included on the Cortese List; the Project would not be located within two miles of an airport or airstrip and is not within an airport land use plan; Project Design Feature TR-PDF-2 incorporates the implementation of a construction traffic management plan to ensure that construction activities would not interfere with

circulation or the City's Emergency Response Plan; the Project Site is not located within a City-designated Very High Fire Hazard Severity Zone or within a City-designated fire buffer zone. Furthermore, the Project would be developed in accordance with LAMC requirements pertaining to fire safety; and the Project's contribution to a cumulative impact related to hazards and hazardous materials would not be cumulatively considerable. As such, the Project would not: create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving hazardous materials; emit hazardous emissions within one-quarter mile of a school; be located on listed hazardous materials sites and create a significant hazard caused from the Project's exacerbation of existing environmental conditions; result in a safety hazard; impair implementation of or physically interfere with an adopted emergency response or evacuation plan; expose people or structures to a significant risk involving wildland fires; or result in a considerable contribution to cumulative impacts related to hazards or hazardous materials. Therefore, Project-level and cumulative impacts related to hazards and hazardous material would be less than significant.

**Hydrology and Water Quality:**

As discussed on pages 59 through 67 of the Initial Study included in Appendix A of the Draft EIR, the *Artisan Hollywood Project Technical Report: Water Resources* included as Appendix IS-5 of the Initial Study contained in Appendix A of the Draft EIR, and on pages VI-31 through VI-36 in Chapter VI, Other CEQA Considerations of the Draft EIR,

Project construction and operational activities would be subject to applicable water quality and drainage and erosion requirements, such as the NPDES (National Pollutant Discharge Elimination System) Construction General Permit and City requirements including a Stormwater Pollution Prevention Plan (SWPPP), best management practices (BMPs), and the Low Impact Development (LID) Ordinance requirements that would avoid the violation of water quality standards/waste discharge requirements and avoid substantial erosion; the Project would cover approximately 87 percent of the Project Site with impervious surfaces and manage stormwater flows to drains to result in no increase in runoff similar to existing conditions, and, therefore, the groundwater recharge potential would be slightly improved; the Project's BMPs would control stormwater runoff with no increase in runoff resulting from the Project; the Project would include new structural BMPs throughout the Project Site which would reduce the amount of pollutants entering the stormwater system and groundwater; the Project would handle and dispose of potentially contaminated soils in compliance with all federal, State, and local regulations; and the Project would not include the installation of water supply wells, and there are no existing wells or spreading grounds within 1 mile of the Project Site. Thus, the Project would not decrease groundwater supplies or interfere substantially with groundwater recharge, such that the Project may impede sustainable groundwater management of the basin. Additionally, as further indicated therein, the Project Site is not located within a 100-year flood hazard area as mapped by FEMA or by the City; is not located within a tsunami hazard area; there are no standing bodies of water near the Project Site that may experience a seiche; and while located within a potential inundation area for the Hollywood Reservoir, which is held by the Mulholland Dam, the Los Angeles Department of Water and Power (LADWP), which operates the dam, mitigates the potential for overflow and seiche hazard through control of water levels and dam wall height. For all these reasons, the Project would not: violate water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality; substantially decrease groundwater supplies or interfere substantially with groundwater recharge; result in substantial erosion/siltation; create runoff that exceeds stormwater drainage system capacity or create substantial polluted runoff; impede/redirect flood flows; risk release of pollutants due to inundation from 100-year floods, tsunamis or seiches; conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan; or result in a cumulatively significant contribution to cumulative impacts related to hydrology or water quality. As such,

Project-level and cumulative impacts related to hydrology and water quality would be less than significant.

**Land Use and Planning (Community Division):**

As discussed on page 67 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-36 through VI-37 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would not physically divide an established community because the Project Site is located on an urban infill site that is currently developed with commercial use, the Project would be constructed completely within the boundaries of Project Site as it currently exists, the Project is bounded by public streets and existing development, and the Project does not propose any physical features that would divide the community, such as a freeway or other large infrastructure. As such, the Project would not contribute to a cumulative impact related to physically dividing an established community. Therefore, Project-level and cumulative impacts associated with the physical division of an established community would be less than significant.

**Mineral Resources:**

As discussed on page 68 of the Initial Study included in Appendix A of the Draft EIR, and on page VI-37 in Chapter VI, Other CEQA Considerations of the Draft EIR, the Project Site is located within an urbanized area that has been previously disturbed by development and no mineral extraction operations currently occur at the Site. Furthermore, the Project Site is not located within a City-designated Mineral Resource Zone, oil field, or oil drilling area, or within a mineral producing area as classified by the California Geologic Survey. Therefore, no Project level or cumulative impacts related to mineral resources would occur.

**Noise (Off-site construction vibration (building damage); On-site and off-site operation noise and vibration; and Vicinity of airports and airstrips):**

As discussed on pages IV.G-32 through IV.G-69 in Chapter IV.G Noise of the Draft EIR, on pages 69 through 70 of the Initial Study included in Appendix A of the Draft EIR, page VI-37 in Chapter VI, Other CEQA Considerations of the Draft EIR, and as shown in the Noise Calculation Worksheets included in Appendix G of the Draft EIR, Project construction and operational activities would generate noise and vibration impacts to noise-sensitive land uses. This section discusses only those locations that would experience less than significant Project-level and cumulative noise and vibration impacts without mitigation.

Regarding Project-level off-site construction vibration damage to structures, cumulative on- and off-site construction vibration damage to structures, Project-level and cumulative on- and off-site operational noise, Project-level and cumulative on- and off-site operational vibration damage to structures and human annoyance, the Project would create noise and vibrations. However, impacts would be less than significant because Project-level vibration impacts associated with temporary and intermittent vibration from off-site construction activities, such as construction trucks traveling along the anticipated truck routes, would be less than significant with respect to building damage. Moreover, cumulative on- and off-site construction vibration damage to buildings would also be less than significant because construction activities associated with the Project and related projects would not generate excessive ground-borne vibration levels.

Additionally, as to impacts from operational Project-level and cumulative on- and off-site noise and vibration, the Project's stationary noise sources, such as mechanical equipment, use of outdoor spaces, the parking facilities, and loading operations would be less than significant as would traffic noise under Future Plus Project and Existing Plus Project conditions and composite noise level impacts due to Project operations. Project Design Feature NOI-PDF-4 (maximum noise level of outdoor amplified sound systems) will further reduce the Project's potential

operational noise impacts. Moreover, operation of the Project would include vehicle circulation, delivery trucks, and building mechanical equipment, vehicular-induced vibration, including vehicle circulation within the subterranean parking area, would not generate perceptible vibration levels at off-site sensitive uses. As further discussed therein, operational vibration impacts would also be less than significant because building mechanical equipment installed as part of the Project would include typical commercial-grade stationary mechanical equipment, such as air-condenser units (mounted at the roof level), that would include vibration-attenuation mounts to reduce vibration transmission so vibration would not be perceptible at the off-site sensitive receptors. Therefore, operation of the Project would not result in the generation of excessive ground-borne vibration levels that would be perceptible in the vicinity of the Project Site and since ground-borne vibration decreases rapidly with distance, operation of the related projects would not contribute to cumulative vibration impacts due to distance between the Project and the related projects. As such, Project-level and cumulative impacts related to noise and vibration associated with operation of the Project would be less than significant.

As discussed on pages 69 through 70 of the Initial Study included in Appendix A of the Draft EIR, and page VI-37 in Chapter VI, Other CEQA Considerations of the Draft EIR, the Project Site is not located within 2 miles of an airport or an private airstrip nor within an area subject to an airport land use plan. Therefore, the Project would not expose people working in the Project area to excessive noise levels from airports or airstrips and would not contribute to a cumulative impact. As such, the Project would not create Project-level and cumulative impacts related to airport and private airstrip noise.

**Population and Housing:**

As discussed on pages 70 through 73 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-37 through VI-38 in Chapter VI, Other CEQA Considerations of the Draft EIR, the construction of the Project's 270 new residential units, including 27 Extremely Low income housing units, and 6,790 square feet of commercial space would increase the residential population within the Project Site and vicinity. The estimated 632 new residents generated by the Project would represent approximately 0.44 percent of the population growth forecasted by SCAG in the City of Los Angeles Subregion between 2020 and 2025 (the Project's buildout year), and the Project's new residential units would constitute up to approximately 0.37 percent of the housing growth forecasted in SCAG's 2020–2045 RTP/SCS between 2020 and 2025 for the Subregion. Therefore, the Project's residents and households would be well within SCAG's 2020–2045 population and housing projections for the City of Los Angeles Subregion. The Project's 43 estimated new employees would represent approximately 0.09 percent of the employment growth forecasted between 2020 and 2025 by the 2020–2045 RTP/SCS and, therefore, the Project would not cause an exceedance of SCAG's employment projections contained in the 2020–2045 RTP/SCS. Furthermore, while construction of the Project would create temporary construction-related jobs, the Project-related construction workers would not be expected to relocate their household's place of residence as a consequence of working on the Project and, therefore, the Project would not be considered growth-inducing from a short-term employment perspective. Additionally, as no housing currently exists on the Project Site, the Project would not cause the displacement of any persons, housing, or require the construction of housing elsewhere. As such, the Project would not: induce substantial unplanned population growth in an area either directly or indirectly; and would not displace a substantial number of exiting people or housing, necessitating the construction of replacement housing elsewhere. Therefore, no Project level or cumulative impacts related to population and housing would occur.

**Public Services - Fire Protection:**

As discussed on pages IV.H.1-20 through IV.H.1-28 in Section IV.H.1, Public Services - Fire Protection, of the Draft EIR, and the Los Angeles Fire Department Response Letter included in

Appendix H.1 and the Utility Infrastructure Technical Report: Water included in Appendix K.1 of the Draft EIR, with the implementation of Project Design Feature TR-PDF-2 (implementation of a Construction Traffic Management Plan to maintain emergency access to the Project Site), and with compliance with applicable fire protection and fire flow requirements and applicable fire/life safety regulations during construction and operation, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered Los Angeles Fire Department (LAFD) facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services. Therefore, Project Project-level and cumulative impacts related to fire protection would be less than significant.

**Public Services - Police Protection:**

As discussed on pages IV.H.2-13 through IV.H.2-24 in Section IV.H.2, Public Services - Police Protection, of the Draft EIR, and the Los Angeles Police Department Response Letter included in Appendix H.2 of the Draft EIR, the Project would implement project design features to ensure safety and reduce the need for police services during construction (Project Design Feature POL-PDF- 1) and operation (Project Design Features POL-PDF-2, POL-PDF-3, POL-PDF-4, POL-PDF-5, and POL-PDF-6), and the Project does not include uses that would require additional specialized police facilities, such as military facilities, hazardous materials, or other uses that may warrant such facilities. As further indicated therein, with the implementation of these Project Design Features and City-required security measures, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered Los Angeles Police Department (LAPD) facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection. Therefore, Project-level and cumulative impacts related to police protection would be less than significant.

**Public Services - Schools:**

As discussed on pages 73 through 75 of the Initial Study included in Appendix A of the Draft EIR and on pages VI-38 through VI-39 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would create new demand for capacity at the LAUSD schools that serve the Project Site. However, pursuant to Senate Bill (SB) 50, and Governmental Code Section 65995, the Project Applicant and related project applicants would be required to pay development fees for schools to LAUSD prior to the issuance of building permits and payment of those fees would be full and complete mitigation of any impacts related to schools. As such, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for schools. Therefore, Project-level and cumulative impacts related to schools would be less than significant.

**Public Services - Libraries:**

As discussed on pages IV.H.3-8 through IV.H.3-18 in Section IV.H.3, Public Services - Libraries, of the Draft EIR, and the Los Angeles Public Library (LAPL) Response Letter included in Appendix H.3 of the Draft EIR, construction workers would more likely use libraries near their homes due to work time constraints. While the Project's population would increase the demand for library services and all three of the libraries within the Project area would continue to be undersized with the addition of the Project's 632 new residents, there is no requirement to build new facilities or expand existing facilities when recommended building size standards are not met and LAPL does not make new building decisions based on any one project. Furthermore, any indirect or direct new demand of library services generated by employees of the proposed neighborhood-serving commercial uses would be negligible. Furthermore, the Project and the related projects would

generate revenues to the City's General Fund in the form of property taxes, sales tax, or business license tax that could be applied toward the provision of new library facilities and related staffing for the libraries serving the Project area, as deemed appropriate. As such, the Project would not result in substantial adverse physical impacts associated with the provisions of new or physically altered libraries, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives. Therefore, Project-level and cumulative impacts related to libraries would be less than significant.

**Public Services - Parks:**

As discussed on pages IV.H.4-16 through IV.H.4-26 in Section IV.H.4, Public Services - Parks and Recreation, of the Draft EIR, and the Los Angeles Department of Recreation and Parks Response Letter included in Appendix H.4 of the Draft EIR, construction workers would more likely use parks near their homes due to work time constraints, the Project would include approximately 0.56 acre of usable, common open space, which would consist of a variety of open space features and recreational amenities to serve the residents' recreation needs, and the Project would comply with the requirements of the City's Park Fee Ordinance as well as other park-related LAMC provisions. As such, the Project would not: result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for parks; increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Therefore, Project-level and cumulative impacts related to parks and recreation would be less than significant.

**Recreation:**

As discussed on pages IV.H.4-16 through IV.H.4-26 in Section IV.H.4, Public Services - Parks and Recreation, of the Draft EIR, and the Los Angeles Department of Recreation and Parks Response Letter included in Appendix H.4 of the Draft EIR, construction workers would more likely use parks near their homes due to work time constraints, the Project would include approximately 0.56 acre of usable, common open space, which would consist of a variety of open space features and recreational amenities to serve the residents' recreation needs, and the Project would comply with the requirements of the City's Park Fee Ordinance as well as other park-related LAMC provisions. As such, the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, and would not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. Thus, the Project's contribution to impacts on recreational facilities would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to recreation would be less than significant.

**Transportation:**

As discussed on pages IV.I-28 through IV.I-45 in Section IV.I Transportation, of the Draft EIR, pages 77-78 of the Initial Study included in Appendix A of the Draft EIR, page VI-39 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and the Transportation Assessment for the Artisan Hollywood Project included in Appendix I of the Draft EIR, the Project would generate vehicular, bicycle, and pedestrian traffic, would create a demand for public transit, and would include new access improvements. However, as further discussed therein, the Project would not conflict with the Americans with Disabilities Act, the Complete Streets Act, the 2020-2045 RTP/SCS, Mobility Plan 2035, Plan for a Healthy Los Angeles, the Hollywood Community Plan,

the Hollywood Redevelopment Plan, the LAMC, Vision Zero, the Interim Guidance for Freeway Safety, or the Citywide Design Guidelines, in that, among other things, the Project would: comply with the Standards for Accessible Design and provide direct connections to pedestrian amenities at adjacent intersections; be developed on an urban infill site within an HQTA and a TPA that would support multi-modal travel, enhance the pedestrian experience, and provide onsite bicycle parking; be located within a 0.25-mile walking distance of the Metro B Line Hollywood/Vine Station and nearby local bus stops; implement TDM elements as outlined in Project Design Feature TR-PDF-1 to reduce the Project's dependency on single-occupancy vehicles and provide convenient bicycle parking; not result in significant VMT; not preclude future safety improvements by the City; not result in roadway improvements such that safety hazards would be introduced adjacent to the Project Site; and implement a Construction Traffic Management Plan as Project Design Features TR-PFD-2. Therefore, the Project: would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) regarding the Project's VMT; would not substantially increase hazards due to a geometric design feature or incompatible uses; or result in inadequate emergency access. Additionally, as further described therein, the Project would not have a considerable contribution to a cumulative impact. Therefore, Project-level and cumulative impacts related to transportation would be less than significant.

**Tribal Cultural Resources:**

As discussed on pages IV.J-14 through IV.J-17 in Section IV.J, Tribal Cultural Resources, of the Draft EIR, and in the Tribal Cultural Resources Assessment Report included in Appendix J of the Draft EIR, the Project would include development, excavation, and grading activities at the Project Site that could potentially impact tribal cultural resources. However, as further indicated therein, the Project Site soils have been previously disturbed, no tribal cultural resources have been previously recorded at the Project Site or in its immediate vicinity, the tribal consultations required under Assembly Bill (AB) 52 and the Tribal Cultural Resources Assessment Report prepared for the Project did not result in substantial evidence of the presence of known tribal cultural resources at the Project Site, and the Project would implement the City's standard Condition of Approval for the inadvertent discovery of tribal cultural resources during construction. Therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC Section 21074 that is: listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources or determined by the City in its discretion and supported by substantial evidence, to be significant. Additionally, as the Project would not have a significant impact on tribal cultural resources, and the related projects would also be subject to the City's standard Condition of Approval for the inadvertent discovery of tribal cultural resources during construction and AB 52 consultation, the Project's contribution to a cumulative impact would not be considerable. Therefore, Project-level and cumulative impacts related to tribal resources would be less than significant.

**Utilities and Service Systems - Water Supply and Infrastructure:**

As discussed on pages IV.K.1-28 through IV.K.1-43 in Section IV.K.1, Utilities and Service Systems - Water Supply and Infrastructure, of the Draft EIR, and the Utility Infrastructure Technical Report-Water included in Appendix K.1 of the Draft EIR, the Project would generate a demand for water and water infrastructure capacity. Coordination with LADWP to avoid water lines and disruption of water services as well as compliance with the Project's Construction Traffic Management Plan would ensure construction of new, on-site water distribution lines to serve the new building would not cause significant impacts. Upon completion of the necessary upgrades to improve the surrounding adjacent water mains, the Project would not exceed the available capacity of existing water facilities that would serve the Project Site. Additionally, the Project would comply with applicable water conservation requirements and would implement additional

water conservation measures beyond State and local code requirements through implementation of Project Design Feature WAT-PDF-1 (water conservation features); the existing fire hydrants in the area have adequate fire flow to service the Project; the existing water mains in the area have adequate capacity to serve the Project; and, LADWP water supplies are available to serve the Project along with LADWP's existing and projected future commitments during normal, dry, and multiple dry years for the foreseeable future. Additionally, the LADWP's 2020 Urban Water Management Plan accounts for existing development within the City, as well as projected growth through the year 2045. As such, the Project would not require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects; and there would be sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. Therefore, Project-level and cumulative impacts related to water supply and infrastructure would be less than significant.

**Utilities and Service Systems - Wastewater:**

As discussed on pages IV.K.2-10 through IV.K.2-24 in Section IV.K.2, Utilities and Service Systems - Wastewater, of the Draft EIR, the Utility Infrastructure Technical Report-Wastewater included in Appendix K.2 of the Draft EIR, and page 83 of the Initial Study included in Appendix A of the Draft EIR, the Project would generate waste during construction and operation and thereby generating a demand for wastewater conveyance and treatment infrastructure capacity. However, as further indicated therein: Project construction would not cause a measurable increase in wastewater flows; the installation of the Project's new on-site infrastructure to serve the new building would primarily be confined to trenching and would be limited to the on-site water distribution as well as minor off-site work associated with connections to the public main; the Project would comply with applicable water conservation requirements; the existing sewer mains in the area have adequate capacity to serve the Project; and the Hyperion Water Reclamation Plant (HWRP) has adequate treatment capacity to serve the Project in addition to existing and projected future commitments. Therefore, the Project would not generate wastewater in excess of available capacity or State or local standards since the Project's net increase in average daily wastewater generation of 0.08 mgd would represent approximately 0.015 percent of the Hyperion Sewer System's assumed future capacity of 550 mgd and approximately 0.019 percent of the HWRP's assumed future capacity of 450 mgd. As such, the Project's contribution would not be cumulatively considerable. For all these reasons, the Project would not require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction or relocation of which could cause significant environmental effects, and the Project would result in a determination by the wastewater treatment provider, which serves or may serve the Project, that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. Therefore, Project-level and cumulative impacts related to wastewater would be less than significant.

**Utilities and Service Systems - Solid Waste:**

As discussed on pages 83 through 88 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-40 through VI- 42 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would generate solid waste during construction and operation. However, as indicated therein, the Project would not generate solid waste in excess of available capacity or State or local standards since the Project would meet or exceed the mandated diversion rates, and the Project's generation of construction solid waste would amount to only 0.001 percent of available capacity at Azusa Land Reclamation Landfill while the solid waste generated during Project operation would amount to only 0.0004 percent of available landfill capacity, and the Project would be consistent with applicable regulations associated with solid waste, including providing clearly marked, source-sorted receptacles to facilitate recycling. Thus, the Project's contribution to cumulative impacts related to solid waste would not be cumulatively considerable. As such, the

Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; and the Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Therefore, Project-level and cumulative impacts related to solid waste would be less than significant.

**Utilities and Service Systems - Energy Infrastructure:**

As discussed on pages IV.K.3-7 through IV.K.3-13 in Section IV.K.3, Utilities and Service Systems - Energy Infrastructure, of the Draft EIR, and in the Utility Infrastructure Technical Report - Energy Infrastructure included in Appendix K.3 of the Draft EIR, the Project would generate a demand for electric power and natural gas. However, as further indicated therein, the Project would: include project design features designed to improve energy efficiency, including Project Design Features AIR-PDF-1 (using electricity from power poles and/or solar powered generators during construction), GHG-PDF-1 (incorporating LEED or equivalent green building standards), GHG-PDF-2 (prohibiting natural gas-fueled fireplaces), and WAT-PDF-1 (water conservation features); and comply with the energy efficiency requirements of the California Building Standards Code (Title 24), Los Angeles Green Building Code, and CALGreen Code. Compliance with these energy-related project design features and requirements would reduce the Project's energy demand and the impact such demand would have on the electricity and natural gas infrastructure capacity. Additionally, as discussed in Appendix K.3, the Project's electricity and gas demand as well as future growth can be served by the facilities in the Project area. As such, the Project would not require or result in the relocation or construction of new or expanded electricity or natural gas infrastructure, the construction or relocation of which could cause significant environmental effects. Therefore, Project-level and cumulative impacts related to electricity and natural gas infrastructure would be less than significant.

**Utilities and Service Systems - Telecommunications Infrastructure:**

As stated on pages 82 through 83 of the Initial Study included in Appendix A of the Draft EIR and on page VI-40 in Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would require construction of new or existing on-site telecommunication infrastructure to service the Project. As the Project would comply with all regulations regarding on- and off-site telecommunication facilities, the offsite construction work would be of a short duration, Project Design Feature TR-PDF-1 (Construction Traffic Management Plan) would ensure safe pedestrian, vehicular, and emergency access during construction, and the construction would be coordinated with the service providers and the City, the Project would not require or result in the relocation or construction of new or expanded telecommunications facilities, the construction or relocation of which could cause significant environmental effects. As such, the Project's contribution to impacts related to telecommunication infrastructure would not be considerable. Therefore, Project-level and cumulative impacts related to telecommunication infrastructure would be less than significant.

**Wildfire:**

As stated on pages 88 through 89 of the Initial Study included in Appendix A of the Draft EIR, and on pages VI-42 through VI-43 in Chapter VI, Other CEQA Considerations, of the Draft EIR: the Project Site is located in an urbanized area and there are no wildlands located on the Project Site or in the vicinity; the Project is not located in or near State responsibility areas or lands classified as very high fire hazard severity zones; the Project Site is not located within a City-designated Very High Fire Hazard Severity Zone or a City-designated fire buffer zone. As such, the Project's contribution to impacts related to wildfires would not be cumulatively considerable. Therefore, Project-level and cumulative impacts related to wildfires would be less than significant.

## VI. LESS THAN SIGNIFICANT IMPACTS WITH MITIGATION

The EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The EIR identified feasible mitigation measures to avoid or substantially reduce the environmental impacts in these areas to a level of less than significant. Based on the information and analysis set forth in the EIR, the Project would not have any significant environmental impacts in these areas, as long as all identified feasible mitigation measures are incorporated into the Project. The City again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR.

### 1. Biological Resources (Construction-related impacts related to bats or other protected species):

**a. Impact Summary:** As discussed on pages VI-18 and VI-22 through VI-26 in Chapter VI, Other CEQA Considerations, of the Draft EIR, due to the urbanized and developed setting of the Project Site, species that could potentially occur on-site would likely be limited to small terrestrial and avian species typically found in developed settings, such as bats, which sometimes use trees and man-made structures for roosting. Construction activities, including ground disturbance, vegetation removal, and increased noise and light levels could have direct and/or indirect impacts on urban species, including bats and their roosts. A Bat Habitat Assessment was conducted, which is included as Appendix L of this Draft EIR. As detailed therein, a search in the California Natural Diversity Database (CNDDB) showed that seven bat species have been recorded within ten miles of the Project Site. In addition, according to iNaturalist, a western red bat (*Lasiurus blossevilli*) was observed two blocks east of the Project Site. As detailed in the Bat Habitat Assessment, a daytime bat survey was conducted during the bat maternity season, during which no bats or evidence of bats were observed within the study area during the bat survey, including within or below the on-site trees or adjacent street trees, within the existing on-site buildings, or within the buffer area. Furthermore, there is no suitable bat roosting habitat within the Development Area, though suitable bat roosting habitat was observed in the magnolia trees along Selma Avenue and the queen palms along Cahuenga Boulevard. However, this habitat is of marginal quality as it is exposed and low to the ground, offering no cover from predators or human disturbance.

**b. Project Design Features:** No specific Project Design Features are proposed with regard to construction-related impacts related to bats or other protected species.

**c. Mitigation Measures:** The City finds that Mitigation Measure BIO-MM-1, included on pages VI-23 through VI-24 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and set forth below and incorporated into the Project, would reduce the potentially significant effect on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the CDFW or U.S. Fish and Wildlife Service (USFWS) to less than significant.

**Mitigation Measure BIO-MM-1:** To avoid and/or minimize potential direct and indirect impacts on bats or other protected species, the following measures shall be implemented:

- Direct Impacts: Prior to tree removal activities, a qualified biologist will survey the on-site trees that are to be removed to determine if bats, roosts, or other protected species are present.
  - If bats are detected roosting in any of the trees to be removed, tree removal work will halt and the bats will be allowed to leave by their own volition

before the trees are removed. Tree removal activities shall resume when it has been determined by a qualified biologist that no bats remain in the on-site trees.

- If other protected species or active nests are detected in any of the trees to be removed, the Project would adhere to all applicable regulations regarding taking and possession of such species, including the California Fish and Game Code, the California Code of Regulations, and the Migratory Bird Treaty Act.

- Indirect Impacts: During tree removal activities, a qualified biologist shall be on-site to ensure that bats or other protected species, if present within the trees located within the public rights-of-way along Selma Avenue and Cahuenga Boulevard adjacent to the Project Site, are not indirectly impacted from adjacent noise and vibration.

  If bats are detected being flushed from roosts in any of the street trees during tree removal, work will halt and the bats will be allowed to leave by their own volition before additional trees are removed. Tree removal activities shall resume when it has been determined by a qualified biologist that all bats have left the trees.

  If other protected species or active nests are found to be indirectly impacted by Project construction, the Project would adhere to all applicable regulations regarding taking and possession of such species, including the California Fish and Game Code, the California Code of Regulations, and the Migratory Bird Treaty Act.

**d. Finding**: Pursuant to PRC Section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant impacts on the environment.

**e. Rationale for Finding:** As discussed on pages VI-18 and VI-22 through VI-26 in Chapter VI, Other CEQA Considerations, of the Draft EIR, though it is unlikely that bat species would be encountered during Project construction because no bats have been observed or documented on the Project Site or within the buffer area during the Bat Habitat Assessment, and roosting opportunities are of marginal quality, Mitigation Measure BIO-MM-1 would ensure that potential construction-related impacts to bats and their roosts (or other protected species) would be less than significant. Mitigation Measure BIO MM-1 requires a qualified biologist to survey on-site trees prior to removal to determine if bats, roosts, or other protected species are present and if any bats or other protected species in trees located along Selma Avenue and Cahuenga Boulevard adjacent to the Project Site are not indirectly impacted from adjacent noise or vibration. Thus, with implementation of Mitigation Measure BIO-MM-1, the Project would not have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the CDFW or USFWS. Impacts to any special species would be less than significant with mitigation incorporated.

**f. Reference:** For a complete discussion of impacts associated with Biological Resources, including construction-related impacts related to bats or other protected species, please see pages 38 through 42 of the Initial Study included in Appendix A of the Draft EIR, pages VI-18 and VI-22 through VI-26 in Chapter VI, Other CEQA Considerations, of the Draft EIR, and Appendix L, Bat Habitat Assessment, of the Draft EIR.

**2. Geology and Soils (Paleontological Resources)**

**a. Impact Summary**: As discussed on pages IV.D- 6 through IV.D-8 in Section IV.D, Geology and Soils - Paleontological Resources, of the Draft EIR and in the Paleontological Records Search included in Appendix E of the Draft EIR, the Project would require maximum excavation depths of approximately 50 feet and the possibility exists that paleontological artifacts that were not discovered during prior construction or other human activity may be present. Therefore, the Project could potentially result in significant impacts to paleontological resources and mitigation for the Project's paleontological resources-related impacts is required.

**b. Project Design Features:** No specific Project Design Features are proposed with regard to paleontological resources.

**c. Mitigation Measures:** The City finds that Mitigation Measure GEO-MM-1, included on page IV.D-7 in Section IV.D Geology and Soils - Paleontological Resources of the Draft EIR, and set forth below and incorporated into the Project, would reduce the potentially significant impact related to paleontological resources to a less than significant level.

**Mitigation Measure GEO-MM-1**: In the event that any prehistoric subsurface cultural resources are encountered at the Project Site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, at which time the Applicant shall notify the City and consult with a qualified paleontologist to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology Standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance in unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

**d. Finding:** Pursuant to PRC Section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant impacts on the environment.

**e. Rationale for Finding**: As discussed on pages IV.D-6 through IV.D-8 in Section IV.D, Geology and Soils - Paleontological Resources, of the Draft EIR and in the Paleontological Records Search included in Appendix E of the Draft EIR, the Project's deeper excavations into older deposits have the potential to inadvertently encounter significant vertebrate fossil remains. The Project would incorporate Mitigation Measure GEO-MM-1 to address the event that any prehistoric subsurface cultural resources are encountered during construction or the course of any ground disturbance activities at the Project Site. With implementation of Mitigation Measure GEO-MM-1, the potential impact related to paleontological resources would be reduced to a less than significant level and the Project's impact to paleontological resources would be less than significant with mitigation.

**f. Reference:** For a completion discussion of impacts associated with Geology and Soils, including paleontological resources, please see pages 45 through 51 of the Initial Study included in Appendix A of the Draft EIR, the Report of Geotechnical Evaluation for Entitlement Documents approved by the LADBS Grading Division and the Addendum Letter regarding Potential Hazard of Collapsible Soils included as Appendix IS-2 of the Initial Study included in Appendix A of the Draft EIR, pages VI-

26 through VI-27 in Chapter VI, Other CEQA Considerations, of the Draft EIR, pages IV.D-6 through IV.D-8 in Section IV.D, Geology and Soils - Paleontological Resources, of the Draft EIR, and in the Paleontological Records Search included in Appendix E of the Draft EIR.

**3. Noise (On-site construction vibration (building damage))**

**a. Impact Summary:** As discussed on pages IV.G-48 through IV.G-57 and IV.G-65 through IV.G-67 of Section IV.G, Noise, of the Draft EIR and in the Noise Calculation Worksheets included in Appendix G of the Draft EIR, construction of the Project could generate groundborne vibration during demolition and site excavation/grading activities when heavy construction equipment, such as large bulldozers, drill rigs, and loaded trucks, would be used. The estimated vibration levels from the construction equipment would be well below the 0.12 PPV building damage significance criteria for the historic Moonglow Records building to the north, the 0.3 PPV building damage significance criteria for the single-story commercial buildings to the north and south, and the 0.5 PPV building damage criteria for the three-story parking structure to the east of the Project Site. However, the estimated vibration levels would exceed the 0.3 PPV significance criteria for the single-story commercial building adjacent to the Project Site to the northwest. Therefore, the on-site vibration impacts during construction of the Project, pursuant to the significance criteria for building damage, would be significant without mitigation measures.

**b. Project Design Features:** The following Project Design Features, which are set forth on pages IV.G-31 through IV.G-32 in Section IV.F, Noise, of the Draft EIR, are incorporated into the Project to reduce its potential construction vibration impacts.

**NOI-PDF-3:** Project construction will not include the use of driven (impact) pile systems.

**c. Mitigation Measures:** The City finds that Mitigation Measure NO-MM-2, included on pages IV.G-55 through IV.G-56 in Section IV.G, Noise, of the Draft EIR, and set forth below and incorporated into the Project, would reduce the potentially significant construction vibration impacts with respect to building damage.

**NOI-MM-2:** Prior to start of construction, the Applicant shall retain the services of a qualified structural engineer to visit the single-story building adjacent to the Project Site to the northwest, to inspect and document (video and/or photographic) the apparent physical condition of the building (i.e., any crack).

Prior to construction, the Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of recording and documenting the construction-related ground vibration levels at the single-story commercial building (adjacent to the Project Site) during demolition, shoring and excavation phase, as follows:

a) The vibration monitoring system shall measure (in vertical and horizontal directions) and continuously store the peak particle velocity (PPV) in inch/second. The system shall also be programmed for two preset velocity levels: a warning level of 0.25 inch/second (PPV) and a regulatory level of 0.3 inch/second (PPV) for the single-story commercial building. The system shall also

provide real-time alert when the vibration levels exceed the two preset levels.

b) The vibration monitoring program shall be submitted to the Department of Building and Safety, prior to initiating any construction activities.

c) In the event the warning level [0.25 inch/second (PPV)] is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to staggering concurrent activities (if doing so would not pose a safety risk to personnel or damage risk to buildings) and utilizing lower vibratory techniques.

d) In the event the regulatory level [i.e., 0.3 inch/second (PPV)] is triggered, the contractor shall halt the construction activities in the vicinity of the building and visually inspect the building for any damage. Results of the inspection must be logged. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart once the vibration level is re-measured and below the warning level.

e) In the event that the regulatory ground vibration level are exceeded and there is documented evidence including a visual inspection that no damage has occurred, the ground vibration levels can be increased to the criteria for the previous building structural category in increments as follows, subject to review and approval by the City, up to a maximum regulatory ground vibration level of 0.5 inch/second (PPV), or equivalent level.

- From Category II to Category I [0.30 to 0.50 inch/second (PPV), or equivalent level].

If the regulatory ground vibration level is increased, the warning level shall also be increased matching the corresponding Category as follows:

- Category I: 0.45 inch/second (PPV)

f) If new regulatory and warning levels are set pursuant to Item “e” above, they can be exceeded and increased again pursuant to the same requirements in Item “e.”

At the conclusion of vibration-causing construction, the qualified structural engineer shall issue a follow-up letter describing damage, if any, to immediately adjacent building and recommendations for repair, as may be necessary.

**d. Finding:** Pursuant to PRC Section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant impacts on the environment.

**e. Rationale for Finding:** As discussed on pages IV.G-48 through IV.G-57 and IV.G-65 through IV.G-67 of Section IV.G, Noise, of the Draft EIR and in in the Noise Calculation Worksheets included in Appendix G of the Draft EIR, with implementation of Mitigation Measure NOI-MM-2, potential building damage impacts to the single-story commercial building adjacent to the Project Site to the northwest from on-site construction would be reduced to a less than significant level. Mitigation Measure NOI-MM-2 would require the Applicant, prior to the start of construction, to retain the services of a qualified structural engineer to inspect and document (video and/or photographic) the apparent physical condition of the building (i.e., any crack) adjacent to the Project Site

to the northwest. An acoustical engineer would also be required, prior to construction, to review proposed construction equipment and develop and implement a vibration monitoring program capable of recording and documenting the construction-related ground vibration levels at the single-story commercial building (adjacent to the Project Site) during demolition, shoring and excavation phase. A vibration monitoring system shall measure (in vertical and horizontal directions) and continuously store the peak particle velocity (PPV) in inch/second, and provide real-time alters when the vibration levels exceed the two preset levels. At the conclusion of vibration-causing construction, the qualified structural engineer shall issue a follow-up letter describing damage, if any, to immediately adjacent building and recommendations for repair, as may be necessary. Thus, the Project's vibration impacts from on-site construction activities associated with building damage would be less than significant with mitigation.

**f. References:** For a complete discussion of impacts associated with Noise, please see Section IV.G, Noise, of the Draft EIR, the Noise Calculation Worksheets included in Appendix G of the Draft EIR, pages 69 through 70 of the Initial Study included in Appendix A of the Draft EIR, and page VI-37 in Chapter VI, Other CEQA Considerations of the Draft EIR.

## VII. SIGNIFICANT AND UNAVOIDABLE IMPACTS

The Final EIR determined that the environmental impacts set forth below are significant and unavoidable. In order to approve the Project with significant unmitigated impacts, the City is required to adopt a Statement of Overriding Considerations, which is set forth in Section XII below. No additional environmental impacts other than those identified below will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the Project. The City finds and determines that:

a) All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the project design features and/or mitigation measures; and

b) Based on the Final EIR, the Statement of Overriding Considerations set forth below, and other documents and information in the record with respect to the construction and operation of the Project, all remaining unavoidable significant impacts, as set forth in these findings, are overridden by the benefits of the Project as described in the Statement of Overriding Considerations for the construction and operation of the Project and implementing actions.

### 1. Noise (On-site and off-site construction noise, and on-site and off-site construction vibration (human annoyance))

**a. Impact Summary:**

**i. Construction Noise:** As stated on pages IV.G-32 through IV.G-37 and IV.G-47 through IV.G-48 in Section IV.G, Noise, of the Draft EIR and in the Noise Calculation Worksheets included in Appendix G of the Draft EIR, Project construction will create noise from on- and off-site construction activities. As to on-site noise impacts, Project construction will generate noise impacts from the use, location, timing, and duration of the use of construction equipment, and the relative distance to noise-sensitive receptors. Construction activities for the Project would generally include demolition, site grading and excavation for the subterranean parking garage, and building construction. As indicated in Table IV.G-11,

*Construction Noise Impacts*, the estimated noise levels during all stages of Project construction would be below the significance threshold at receptors R3, R4 and R5. However, the estimated construction-related noise would exceed the significance criteria at receptor locations R1, R2, R6 and R7. The estimated construction-related noise would exceed the significance threshold by a range of 6.9 dBA at receptor location R4 to up to 21.1 dBA at receptor location R7, without implementation of mitigation. Even with implementation of Project Design Features NOI-PDF-1 and NOI-PDF-2, the Project's temporary noise impact associated with the Project's on-site construction would be significant.

As to off-site noise during construction, as stated on pages IV.G-36 through IV.G-37 in Section IV.G, Noise, of the Draft EIR, in addition to on-site construction noise sources, other noise sources may include materials delivery, concrete mixing, and haul trucks (construction trucks), as well as construction worker vehicles accessing the Project Site during construction. The major noise sources associated with off-site construction trucks would be from the delivery/concrete/haul trucks. As indicated in Table IV.G-12, *Off-Site Construction Truck Noise Levels*, the hourly noise levels generated by construction trucks during all stages of Project construction would be consistent with the existing daytime ambient noise levels along Argyle Avenue and Gower Street, which would be below the significance criteria of 5-dBA increase over the ambient noise level. However, the estimated noise levels from the Project-related construction trucks along Selma Avenue (between Argyle Avenue and the Project Site and between Argyle Avenue and Gower Street would exceed the 5-dBA significance criteria. Therefore, the Project's temporary noise impacts associated with off-site construction traffic would be significant.

**ii. Construction Groundborne Vibrations (Human Annoyance):** As to vibration from on-site construction activities resulting in human annoyance, as stated on pages IV.G-51 through IV.G-52 in Section IV.G, Noise, of the Draft EIR, the significance criteria for human annoyance is 72 VdB for residential, hotel, and theater uses and 65 VdB for recording studios, assuming there are a minimum of 70 vibration events occurring during a typical construction day. As indicated in Table IV.G-22, *Construction Vibration Impacts-Human Annoyance*, the estimated groundborne vibration levels from construction equipment would be below the significance criteria for human annoyance at off-site sensitive receptor locations R1 through R6. The estimated groundborne vibration levels at receptor location R7 would exceed the 65-VdB significance criteria during the demolition and grading/excavation phases with large construction equipment (i.e., large bulldozer, caisson drilling and loaded trucks) operating within 140 feet of receptor location R7. Therefore, on-site vibration impacts during construction of the Project, pursuant to the significance criteria for human annoyance, would be significant.

As to off-site groundborne vibration resulting in human annoyance, as stated on pages IV.G-53 through IV.G-54 in Section IV. G, Noise, of the Draft EIR, construction vehicles traveling on streets adjacent to sensitive receptors could generate vibrations that exceed the thresholds for human annoyance. Therefore, the sensitive uses along anticipated construction truck routes (between the Project Site and US-101) would be exposed to ground-borne vibration up to 72 VdB, which would exceed the 65-VdB significance criteria (for recording studio use) and would be at the 72-VdB significance criteria (for residential and hotel uses) from the construction trucks. As such, potential vibration impacts with respect to human annoyance that would result from temporary and intermittent off-site vibration from construction trucks traveling along the anticipated haul routes would be significant.

iii. **Cumulative Impacts:** As described on pages IV.G-58 through IV.G-63 and IV.G-66 through IV.G-67 in Section IV.G, Noise, of the Draft EIR, on-site and off-site construction noise and off-site construction vibration impacts with respect to human annoyance could result in cumulative impacts. As to on-site construction noise, nine related projects within 1,000 feet of the Project Site were evaluated to determine if they could contribute to the cumulative construction noise impacts, and there would be potential cumulative noise impacts at the nearby sensitive uses (e.g., residential uses) located in proximity to the Project Site and Related Project No. 2 and Related Project No. 3, in the event of concurrent construction activities. In addition to the cumulative impacts of on-site construction activities, off-site construction haul trucks would have a potential to result in cumulative impacts if the trucks for the related projects and the Project were to utilize the same haul route. There would be potential cumulative noise impacts along Gower Street (between US-101 and Selma Avenue) and Selma Avenue (between Cahuenga Boulevard and Gower Street), in the event of concurrent construction activities from Related Project No. 12, Related Project No. 21, Related Project No. 34, and Related Project No. 35. As such, cumulative noise impacts associated with off-site construction would be significant. As to off-site construction vibration impacts, to the extent that other related projects use the same haul route as the Project, potential cumulative human annoyance impacts associated with temporary and intermittent vibration from haul trucks traveling along the designated haul route would be significant. Therefore, to the extent that other related projects use the same haul route as the Project, the cumulative vibration impact with respect to human annoyance associated with temporary and intermittent vibration from haul trucks traveling along the designated haul route would be significant.

**b. Project Design Features:** The following Project Design Features, which are set forth on pages IV.G-31 through IV.G-32 in Section IV.G, Noise, of the Draft EIR, as modified by Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, are incorporated into the Project to reduce its potential construction noise and vibration impacts.

**NOI-PDF-1:** Power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment will be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

**NOI-PDF-2:** All outdoor mounted mechanical equipment will be screened from off-site noise-sensitive receptors. The equipment screen will be impermeable (i.e., solid material with minimum weight of 2 pounds per square feet) and break the line of sight from the equipment to the off-site noise-sensitive receptors.

**NOI-PDF-3:** Project construction will not include the use of driven (impact) pile systems.

**NOI-PDF-5:** Stationary construction equipment (e.g., generators and air compressors) should be integrated with a temporary noise barrier and be located as far from noise-sensitive receptors, as feasible.

**c. Mitigation Measures:** The City finds that Mitigation Measures NOI-MM-1 and NOI MM-2 included on pages IV.G-47 and IV.G-55 through IV.G-56 in Section IV.G, Noise, of the Draft EIR, as modified by Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, and as set forth below and incorporated into the Project, would reduce the potentially significant construction noise and groundborne

vibration impacts to the extent feasible but the impacts would remain significant and unavoidable.

**NOI-MM-1:** Temporary and impermeable sound barriers shall be erected at the locations listed below. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure. The Applicant shall provide an on-site acoustics test to document that the temporary construction noise barriers provide the specified noise reductions.

Along the northern property line of the Project Site between the construction areas and the Triangle Square Apartments (receptor location R1), the Cosmo Lofts (receptor location R6), and the Sound Factory recording studio (receptor location R7). The temporary sound barrier shall be designed to provide a minimum 15-dBA noise reduction at the ground level of receptor locations R1 and R7, and 10-dBA noise reduction at the ground level of receptor location R6.

Along the eastern property line of the Project Site between the construction areas and the Triangle Square Apartments (receptor location R1) and the Los Angeles Film School (receptor location R2). The temporary sound barrier shall be designed to provide a minimum 15-dBA noise reduction at the ground level of receptor location R1 and 8-dBA noise reduction at the ground level of receptor location R2.

**d. Finding:** Pursuant to PRC Section 21081(a)(3), the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

**e. Rationale for Finding:**

i. **On-site construction noise**: As stated on pages IV.G-33 through IV.G-36 in Section IV. G, Noise, of the Draft EIR, and in the Noise Calculation Worksheets included in Appendix G of the Draft EIR, the Project would generate construction noise from on-site activities. Implementation of Mitigation Measure NOI-MM-1 would reduce the Project's and cumulative construction noise levels to the extent feasible. Specifically, implementation of Mitigation Measure NOI-MM-1, which involves the installation of temporary sound barriers, would reduce the noise generated by on-site construction activities at the off-site sensitive uses by a minimum 15 dBA at the Triangle Square Apartments (residential use) adjacent to the Project Site to the northeast (receptor location R1) and the Sound Factory recording studio to the north (receptor location R7); a minimum 8 dBA at the Los Angeles Film School to the southeast (receptor location R2), and a minimum 10 dBA at the Cosmo Lofts (receptor location R6). However, the estimated construction-related noise levels would still exceed the significance threshold at receptor locations R1 (at the upper levels of this receptor) and R7 with the implementation of NOI-MM-1. There are no other feasible mitigation measures that could further reduce the construction noise at receptor locations R1 and R7 to below the significance threshold. Therefore, Project-level construction noise impacts associated with on-site noise sources would remain significant and unavoidable. Cumulative impacts related to on-site construction noise would also be significant and unavoidable (in the event of concurrent construction activities associated with Related Project No. 2 and Related Project No. 3).

ii. **Off-site construction noise:** As stated on pages IV.G-36 through IV.G-37 in Section IV. G, Noise, of the Draft EIR, and in the Noise Calculation Worksheets included in Appendix G of the Draft EIR, the Project would generate construction noise from off-site activities. The hourly noise levels generated by construction trucks during all stages of Project construction would be consistent with the existing daytime ambient noise levels along Argyle Avenue and Gower Street, which would be below the significance criteria of 5-dBA increase over the ambient noise level. However, the estimated noise levels from Project-related construction trucks during the peak period of construction along Selma Avenue (between Argyle Avenue and the Project Site and between Argyle Avenue and Gower Street) would exceed the 5-dBA significance criteria. Conventional mitigation measures, such as providing temporary noise barrier walls to reduce the off-site construction truck traffic noise impacts, would not be feasible, as the barriers would obstruct access and visibility to the properties along the anticipated haul routes. There are no other feasible mitigation measures that could be implemented to reduce this short-term impact. Therefore, Project-level construction noise impact associated with off-site construction traffic would remain significant and unavoidable. Cumulative impacts related to off-site construction noise along Gower Street (between US-101 and Selma Avenue) and Selma Avenue (between Cahuenga Boulevard and Gower Street) would also be significant and unavoidable (in the event of concurrent construction activities from Related Project No. 12, Related Project No. 21, Related Project No. 34, and Related Project No. 35).

iii. **On-site construction groundborne vibration - human annoyance:** As stated on pages IV.G-51 through IV.G-52 in Section IV. G, Noise, of the Draft EIR, and in the Noise Calculation Worksheets included in Appendix G of the Draft EIR, the Project would generate on-site construction vibration impacts associated with human annoyance. Estimated groundborne vibration levels at the Sound Factory recording studio to the north of the Project Site (receptor location R7) would exceed the 65-VdB significance criteria for human annoyance. The vibration exceedance would occur during the demolition and grading/excavation phases with large construction equipment (i.e., large bulldozer, caisson drilling and loaded trucks) operating within 140 feet of receptor location R7. As discussed in Section IV.G, Noise, mitigation measures, including the installation of a wave barrier, were considered and determined to be infeasible. There are no other feasible mitigation measures that could be implemented to reduce the temporary vibration impacts with respect to human annoyance from on-site construction activities to receptor location R7. Therefore, Project-level construction impacts associated with on-site construction vibration (human annoyance) would remain significant and unavoidable.

iv. **Off-site construction groundborne vibration - human annoyance:** As stated on pages IV.G-53 through IV.G-54 in Section IV. G, Noise, of the Draft EIR, and in the Noise Calculation Worksheets included in Appendix G of the Draft EIR, the Project would generate off-site construction vibration impacts associated with human annoyance. Heavy-duty construction trucks would generate groundborne vibration as they travel along the Project's anticipated haul routes. Temporary vibration levels could reach approximately 72 VdB periodically as trucks pass sensitive receptors along the anticipated haul routes. Therefore, the sensitive uses along anticipated construction truck routes (including Gower Street, Yucca Street, Cahuenga Boulevard, Selma Avenue, and Argyle Avenue between the Project Site and US-101) would be exposed to ground-borne vibration up to 72 VdB, which would exceed the 65-VdB significance criteria (for recording studio use) and would be at the 72-VdB significance criteria (for residential and hotel uses). As described

in Section IV.G, Noise, there are no feasible mitigation measures to reduce these potential vibration impacts with respect to human annoyance. Therefore, Project-level construction impacts associated with off-site construction vibration (human annoyance) would remain significant and unavoidable. Cumulative impacts related to off-site vibration (human annoyance) during construction would also be significant and unavoidable (to the extent that other related projects use the same haul route as the Project).

**f. References:** For a complete discussion of impacts associated with Noise, please see Section IV. G, Noise, of the Draft EIR, Appendix G, Noise Calculation Worksheets, of the Draft EIR, pages 69 through 70 of the Initial Study included in Appendix A of the Draft EIR, and page VI-37 in Chapter VI, Other CEQA Considerations, of the Draft EIR.

## VIII. ALTERNATIVES

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (PRC Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. The alternative analysis included in the Draft EIR, therefore, identified a reasonable range of project alternatives focused on avoiding or substantially reducing the Project's significant impacts.

### Summary of Findings

Based upon the following analysis, the City finds, pursuant to CEQA Guidelines Section 15091, that no feasible alternative or mitigation measure will substantially lessen any significant effect of the Project, reduce the significant unavoidable impacts of the Project to a level that is less than significant, or avoid any significant effect the Project would have on the environment.

### Project Objectives

Section 15124(b) of the California Environmental Quality Act (CEQA) Guidelines states that the project description shall contain "a statement of the objectives sought by the proposed project." Section 15124(b) of the CEQA Guidelines further states that "the statement of objectives should include the underlying purpose of the project."

As indicated on page II-7 in Chapter II, Project Description, of the Draft EIR, the underlying purpose of the Project is to redevelop the Project Site by constructing a new mixed-use development that provides new multi-family housing opportunities at a range of income levels as well as new neighborhood-focused, ground-floor commercial uses that serve the community and promote walkability. The Project's specific objectives are as follows:

- Maximize the provision of high-density, multi-family housing units, including affordable housing units, to support the much-needed demand for housing at a range of income levels;

- Locate residential and commercial uses in a high quality transit area and transit priority area, thereby promoting sustainability and reducing automobile dependency and Vehicle Miles Traveled (VMT);

- Redevelop and improve the visual character of the surface parking portion of the Project Site with a development that is compatible in scale and design with the character of the surrounding area;

- Contribute to economic investment in the Hollywood Community Plan area through the creation of construction and retail/restaurant jobs;

- Create a street-level identity for the Project Site and improve the pedestrian experience through the introduction of active street-level uses;

- Promote sustainable development by incorporating "Green" principles in the design of the Project capable of meeting the standards of LEED® Certified or equivalent green building standards, including an energy-efficient building, a pedestrian- and bicycle-friendly site design, water conservation features, and waste reduction features; and

- Incorporate the best practices for smart growth by providing housing, employment, and retail/restaurant opportunities within an employment hub with walkable streets, a bike-friendly environment, and access to public transit.

**Alternatives Analyzed**

**Alternative 1 - No Project/No Build Alternative**

**a. Description of the Alternative:** As indicated on page V-3 in Chapter V, Alternatives, of the Draft EIR, the No Project/No Build Alternative (Alternative 1) assumes that no new development would occur within the Project Site and existing conditions would remain.

**b. Impact Summary:** As indicated on page V-26 in Chapter V, Alternatives, of the Draft EIR, Alternative 1 would avoid the significant and unavoidable construction-related noise and vibration (human annoyance) impacts of the Project. Furthermore, Alternative 1 would result in less impacts for all of the environmental topics evaluated in the Draft EIR.

**c. Finding:** Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

**d. Rationale for Finding:** As discussed above, Alternative 1 would avoid the impacts of the Project owing to a lack of development and associated environmental effects under this alternative. Therefore, the No Project Alternative would be environmentally superior to the Project. However, CEQA requires that if the environmentally superior alternative it the "no project" alternative, the EIR shall identify an environmentally superior alternative from among the other alternatives (CEQA Guidelines, Section 15126.6[e][2]).

Additionally, Alternative 1 would not meet the underlying purpose of the Project which is to redevelop the Project Site by constructing a new mixed-use development that provides new multi-family housing opportunities at a range of income levels as well as new neighborhood-focused ground-floor commercial uses that serve the community and promote walkability. Furthermore, Alternative 1 would not meet any of the Project objectives. Therefore, for the reasons stated above, Alternative 1 is infeasible and less desirable than the Project and is rejected.

**e. Reference:** For a complete discussion of impacts associated with Alternative 1, refer to Chapter V, Alternatives, of the Draft EIR.

**Alternative 2 - Reduced Density Alternative**

**a. Description of the Alternative:** As indicated on page V-3 in Chapter V, Alternatives, of the Draft EIR, the Reduced Density Alternative (Alternative 2) would include the same types of uses proposed by the Project while reducing the amount of total new residential units and commercial area by 25 percent. Thus, Alternative 2 would include 203 residential units (195,284 square feet) and 5,093 square feet of ground-floor commercial uses. The building footprint would remain the same, but the height would be reduced to a maximum of 209 feet (19 stories). Alternative 2 would include 252 vehicle parking spaces located within five parking levels (two above ground and three subterranean levels), which would require a depth of excavation on the Project Site of 40 feet below grade. The total floor area for Alternative 2 would be 234,205 square feet with a floor area ratio (FAR) of 3.5:1.

**b. Impact Summary:** As indicated on page V-51 in Chapter V, Alternatives, of the Draft EIR, Alternative 2 would not eliminate any of the Project's significant and unavoidable impacts. Specifically, the Project's significant and unavoidable impacts related to noise from on-site and off-site construction, and vibration from on-site and off-site construction with respect to human annoyance would remain with the development of Alternative 2. However, Alternative 2 would reduce several of the less than significant impacts and less than significant with mitigation impacts associated with the Project (e.g., regional and localized operational emissions; TACs during construction and operation; archaeological resources; energy efficiency during construction and operation; paleontological resources; GHG emissions; on-site construction and operational noise; off-site operational noise; fire and police protection, library, and park services; VMT; and water, wastewater, and energy infrastructure). All other impacts would be similar to those of the Project.

**c. Finding:** Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

**d. Rationale for Finding:** As discussed above, Alternative 2 would not avoid the Project's significant and unavoidable impacts. However, Alternative 2 would reduce several of the less than significant impacts and less than significant with mitigation impacts associated with the Project. While the development under this alternative would be substantially less than under the Project, Alternative 2 would still meet the underlying purpose of the Project, which is to redevelop the Project Site by constructing a new mixed-use development that provides new multi-family housing opportunities at a range of income levels as well as new neighborhood-focused ground-floor commercial uses that serve the community and promote walkability. However, Alternative 2 would be less effective than the Project in meeting this underlying purpose as a result of the reduced number of housing units and reduced amount of commercial space under this alternative. Regarding Project objectives, Alternative 2 would meet six of the Project objectives, albeit some to a lesser degree than the Project; however, it would not meet the Project objective to maximize the provision of high-density, multi-family housing units, including affordable housing units, to support the much-needed demand for housing at a range of income levels as effectively as the Project due to the reduced amount of development under this alternative. Therefore, the City finds that Alternative 2 is less desirable than the Project and rejects this alternative for the above reasons.

**e. Reference:** For a complete discussion of impacts associated with Alternative 2, refer to Chapter V, Alternatives, of the Draft EIR.

**Alternative 3 - Office Alternative**

**a. Description of the Alternative:** As indicated on pages V-3 through V-4 in Chapter V, Alternatives, of the Draft EIR, the Office Alternative (Alternative 3) would develop office and ground-floor commercial uses that are compliant with the existing floor area limits. Accordingly, Alternative 3 would develop 160,070 square feet of office uses and 6,790 square feet of ground floor retail/restaurant uses. The building footprint would remain the same, but the height would be reduced to a maximum of 155 feet (10 stories). Alternative 3 would include 402 vehicle parking spaces (two above ground and five subterranean levels), which would require excavation to 60 feet below grade. The total floor area for Alternative 3 would be 200,688 square feet with an FAR of 3:1.

**b. Impact Summary:** As indicated on page 77 in Chapter V, Alternatives, of the Draft EIR, Alternative 3 would not avoid the Project's significant and unavoidable impacts. Specifically, the Project's significant and unavoidable impacts related to noise from on-site and off-site construction, and vibration from on-site and off-site construction with respect to human annoyance would remain with the development of Alternative 3. In total, most other impacts would be similar to, or greater than, those of the Project (e.g., regional and localized operational emissions; TACs during construction and operation; archaeological resources; energy efficiency during construction and operation; paleontological resources; GHG emissions; off-site construction and operational noise; fire police protection services; VMT; and tribal cultural resources), while some would be less than the Project (e.g., on-site construction and operational noise; police protection, library and park services; and water, wastewater, and energy infrastructure).

**c. Finding:** Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

**d. Rationale for Finding:** As discussed above, Alternative 3 would not avoid the Project's significant and unavoidable impacts. Specifically, the Project's significant and unavoidable impacts related to noise from on-site and off-site construction, and vibration from on-site and off-site construction with respect to human annoyance would remain with the development of Alternative 3. Because Alternative 3 does not include residential uses, Alternative 3 would not meet the underlying purpose of the Project, which is to redevelop the Project Site by constructing a new mixed-use development that provides new multi-family housing opportunities at a range of income levels as well as new neighborhood-focused ground-floor commercial uses that serve the community and promote walkability. Furthermore, Alternative 3 would not meet the Project objective to maximize the provision of high-density, multi-family housing units, including affordable housing units, to support the much-needed demand for housing at a range of income levels as effectively as the Project. Alternative 3 would partially meet two Project objectives and meet the other four Project objectives. Therefore, the City finds that Alternative 3 is less desirable than the Project and rejects this alternative for the above reasons.

**e. Reference:** For a complete discussion of impacts associated with Alternative 3, refer to Chapter V, Alternatives, of the Draft EIR.

**Alternatives Rejected as Infeasible**

As set forth in CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to the CEQA Guidelines, among the factors that may be used to eliminate an alternative from detailed consideration are the alternative's failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. Alternatives to the Project that were considered and rejected as infeasible include the following:

**Alternative Addressing the Significant Unavoidable Construction-Related Noise and Vibration Impacts of the Project:** As discussed in Section IV.G, Noise, of the Draft EIR, the Project would result in short-term significant unavoidable construction-related noise and vibration (human annoyance) impacts. Specifically, Project construction activities would result in significant unavoidable construction-related noise impacts related to on-site and off-site (traffic) construction activities, and significant unavoidable vibration (human annoyance) impacts related to both on-site construction activities and off-site construction traffic. The following approaches were considered, but rejected as infeasible, to substantially reduce or avoid these impacts:

- Approach (a)—Above-Grade Parking: Under this approach, all parking would be provided above grade rather than below and above grade, thus avoiding much of the excavation and hauling activity required under the Project. However, this approach was reviewed and rejected for the following reasons:
  - Although the on-site construction activities would be shorter in overall duration during site grading due to less excavation, the maximum daily on-site construction noise levels would be similar to the Project as the number of and type of construction equipment used would be similar on a peak day, which is used for the evaluation of impacts. As such, noise and vibration impacts from on-site construction activities would be significant and unavoidable, similar to the Project. Therefore, this alternative approach would not substantially reduce the significant construction noise impacts.
  - Off-site construction noise levels are dependent on truck volumes (i.e., a reduction of 50 percent in truck volume would reduce the noise level by 3 dBA, which is just perceptible). This above-grade parking approach would reduce the total number of haul truck trips due to a reduced amount of excavation required. However, demolition, grading, and associated hauling would still be required and the hauling activities on a peak day would likely be similar to the Project. Thus, feasible reductions in truck trips would not accomplish significant reductions in off-site construction noise levels. For example, reducing the number of construction trucks during the site grading phase from 17 to 9 truck trips per hour (approximately 50 percent) would reduce the truck noise to 63.9 dBA $L_{eq}$ along Selma Avenue (between Argyle Avenue and the Project Site, 62.0 dBA $L_{eq}$ along Argyle Avenue and Gower Street, and to 60.4 dBA $L_{eq}$ along Selma Avenue (between Gower Street and Argyle Avenue (a 2.8- to 3.0 dBA reduction). However, when accounting for ambient noise levels, the Project plus ambient noise levels due to construction trucks would only be reduced by 2.4 dBA, 0.7 dBA, 0.6 dBA, and 1.7 dBA along Selma Avenue (between Argyle Avenue and the Project Site), Argyle Avenue, Gower Street and Selma Avenue (between Gower Street to Argyle Avenue), respectively. In addition, a reduction in the number of construction trucks during the mat foundation phase from 21 to 11 truck trips per hour (approximately 50 percent) would reduce the truck

noise level along Selma Avenue (between Argyle Avenue and the Project Site) from 68.0 dBA $L_{eq}$ to 165.0 dBA $L_{eq}$ (3.0-dBA reduction). However, when accounting for ambient noise levels, the Project-generated noise under Approach (a) plus ambient noise levels due to construction trucks would only be reduced by 2.5 dBA, which would still increase the ambient noise levels by 6.4 dBA. Thus, as analyzed, even with an approximately 50-percent reduction in the truck trips, the off-site construction noise plus ambient noise would result in only minimal noise reduction (i.e., less than the 3 dBA perceptible level for noise). As such, despite potential reductions in truck trips, off-site construction noise would not be significantly reduced and impacts would remain significant along Selma Avenue (between Argyle Avenue and the Project Site).

  - Construction equipment utilized under this approach would be similar to the Project (e.g., drill rig, large bulldozer, and excavator), which would generate similar vibration levels. Therefore, on-site construction vibration impacts (human annoyance) would be significant and similar to the Project, as the vibration impact analysis is based on the peak vibration level generated by individual pieces of construction equipment. In addition, off-site construction vibration impacts (human annoyance) due to heavy trucks traveling by sensitive receptors, would also continue to be significant.

- Approach (b)—Extended Construction Duration: An approach that extends the construction period, thus reducing the amount of daily construction activity that would occur under the Project, was also evaluated. This approach was rejected for the following reasons:
  - Construction noise levels are dependent on the number of pieces of construction equipment (on-site equipment or off-site construction trucks). It is anticipated the number of on-site construction equipment and off-site construction trips would be reduced under this approach. Typically, a reduction of 50 percent in the number of construction equipment pieces or construction traffic (haul and delivery trucks) trips would reduce the construction-related noise levels by approximately 3 dBA (just perceptible). Similar to Approach (a) above, reducing the number of construction trucks during the site grading phase from 17 to 9 truck trips per hour (approximately 50 percent) would reduce the truck noise to 63.9 dBA $L_{eq}$ along Selma Avenue (between Argyle Avenue and the Project Site), 62.0 dBA $L_{eq}$ along Argyle Avenue and Gower Street, and to 60.4 dBA $L_{eq}$ along Selma Avenue (between Gower Street and Argyle Avenue) (a 2.8- to 3.0 dBA reduction). However, when accounting for ambient noise levels, the Project-generated noise under Approach (b) plus ambient noise levels due to construction trucks would only be reduced by 2.4 dBA, 0.7 dBA, 0.6 dBA, and 1.7 dBA along Selma Avenue (between Argyle Avenue and the Project Site), Argyle Avenue, Gower Street, and Selma Avenue (between Gower Street and Argyle Avenue), respectively. In addition, a reduction in the number of construction trucks during the mat foundation phase from 21 to 11 truck trips per hour (approximately 50 percent) would reduce the truck noise level along Selma Avenue (between Argyle Avenue and the Project Site) from 68.0 dBA $L_{eq}$ to 65.0 dBA $L_{eq}$ (3.0-dBA reduction). However, when accounting for ambient noise levels, the Project-generated noise under Approach (b) plus ambient noise levels due to construction trucks would only be reduced by 2.5 dBA, which would increase the ambient noise levels by 6.4 dBA. Thus, as analyzed, even with a 50-percent reduction in the truck trips, the off-site construction noise plus ambient noise would

result in only minimal noise reduction (i.e., less than the 3 dBA perceptible level for noise), and impacts would remain significant along Selma Avenue.

  - With respect to the on-site construction, a reduction in the number of pieces of on-site construction equipment would reduce the construction noise, depending on the number and type of equipment. Specifically, reducing the on-site construction equipment during the site grading phase from 17 pieces to 9 pieces (approximately 50 percent) would reduce the construction noise at the off-site receptors by 1.7 dBA $L_{eq}$ at receptor location R7, 2.1 dBA $L_{eq}$ at receptor location R1, 2.2 dBA $L_{eq}$ at receptors R2 and R4, 2.4 dBA $L_{eq}$ at receptor locations R3 and R6, and 2.5 dBA $L_{eq}$ at receptor location R5 (as compared to the Project). The estimated construction noise levels with a 50-percent reduction in the number of pieces of construction equipment would still exceed the significance threshold by up to 19.4 dBA $L_{eq}$ at receptor location R7 (nearest sensitive receptor). Therefore, the construction noise levels under this approach (both on- and off-site construction noise) would be somewhat less than the Project (depending on the amount of reduction) but would not significantly reduce the impact and would still exceed the significance threshold. In addition, the reduction would be less than 3.0 dBA, which is the level where noise is perceptible. In addition, this approach would be inefficient and would increase the number of days that the sensitive receptors would be impacted by construction activities. Furthermore, due to the close proximity of the off-site noise sensitive receptors, it would not be practical to reduce the construction noise levels to below the significance threshold as even a single piece of equipment could result in noise levels above the significance threshold. As such, the on-site construction noise impacts under this approach would not be substantially less than the Project and would remain significant.
  - The on-site construction vibration impacts (human annoyance) would be significant, similar to the Project, as the vibration impact analysis is based on the peak vibration level generated by individual pieces of construction equipment, and the approach would utilize similar construction equipment (e.g., large bulldozers, drill rigs, and loaded trucks). In addition, off-site construction vibration impacts (human annoyance), due to heavy trucks traveling by sensitive receptors, would also continue to be significant, similar to the Project.

- Approach (c)—Reduced Development Beyond 25 Percent: An approach that reduces the amount of development beyond the 25-percent reduction outlined in Alternative 2 to the extent that the significant construction-related noise and vibration impacts of the Project would be avoided or substantially reduced was also considered. However, due to the close proximity of the sensitive receptors (and a constrained Project Site that does not have the space to create a meaningful buffer zone), it would not be practical to mitigate the on-site construction noise impacts of the Project even with such additional reduced scope. In addition, the on-site construction vibration impacts (human annoyance) of this option would continue to be significant since the vibration impact analysis is based on the peak vibration level generated by individual construction equipment pieces that would still be required near the perimeter of the Project Site. In addition, off-site construction vibration impacts (human annoyance), due to heavy trucks traveling by sensitive receptors, would remain significant.

As indicated, none of the above approaches would feasibly substantially reduce or avoid the significant unavoidable construction-related on- and off-site noise

impacts and construction-related on- and off-site vibration (human annoyance) impacts of the Project. This is because the significant unavoidable construction-related noise and vibration impacts of the Project are heavily influenced by the close proximity of the Project Site and the proposed haul route to existing noise- and vibration-sensitive uses rather than the amount or duration of Project construction activities. Furthermore, the approaches outlined above would not achieve the underlying purpose and/or objectives of the Project, as outlined below and in Section II, Project Description, of the Draft EIR, to the degree of the Project. In addition, Approach (a) would not be consistent with the land use objectives for the Project Site regarding visual character and neighborhood form; Approach (b) would cost substantially more to construct than the proposed Project given the extended construction period; and Approach (c) would not allow for the maximization of land uses in a transit-rich neighborhood. Therefore, as each of these alternative approaches present issues and would not substantially reduce or eliminate the significant noise and vibration impacts of the Project, no further consideration of these approaches in this Draft EIR is required.

**Alternative Project Site:** The results of a search to find an alternative site on which the Project could be built determined that suitable similar locations are not available to meet the underlying purpose of the Project to redevelop the Project Site by constructing a new mixed-use development that provides new multi-family housing opportunities at a range of income levels as well as new neighborhood-focused ground-floor commercial uses that serve the community and promote walkability. The availability of an alternative site is also restricted by the Project's objectives, which include, but are not limited to: locating residential and commercial uses in a high quality transit area and transit priority area, thereby promoting sustainability and reducing automobile dependency and Vehicle Miles Traveled (VMT); redeveloping and improving the visual character of the surface parking portion of the Project Site with a development that is compatible in scale and design with the character of the surrounding area; contributing to economic investment in the Hollywood Community Plan area through the creation of construction and retail/restaurant jobs; and creating a street-level identity for the Project Site and improve the pedestrian experience through the introduction of active street-level uses. In addition, it is not expected that the Applicant could reasonably acquire, control, or have access to an alternative site of similar size to the Project Site. Furthermore, if a suitable alternative site could be found, it is anticipated that the significant and unavoidable impacts with respect to construction noise from on-site and off-site sources, and construction vibration with respect to the significance threshold for human annoyance from on-site and off-site sources, would still occur. Specifically: (1) given that an alternative site would also likely be an infill site with nearby noise-sensitive receptors, and since noise levels during peak day construction activities are used for measuring impacts, noise levels from on- and off-site construction activities would be similar to those of the Project; and (2) since construction vibration impacts are evaluated based on the peak vibration levels generated by each type of construction equipment, vibration levels associated with on- and off-site construction activities would be similar to the Project. Thus, in accordance with CEQA Guidelines Section 15126.6(f), this alternative was rejected from further consideration.

**Environmentally Superior Alternative**

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section

15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives to "avoid or substantially lessen one or more of the significant effects" of the Project.

In accordance with the CEQA Guidelines requirement to identify an Environmentally Superior Alternative other than the No Project/No Build Alternative, a comparative evaluation of the remaining alternatives, as summarized in Table V-3, in Chapter V, Alternatives, of the Draft EIR indicates that Alternative 2, the Reduced Density Alternative, would be less impactful than both the Project and Alternative 3. While Alternative 2 would not avoid or substantially reduce the significant unavoidable impacts of the Project, it would result in less impacts than the Project for the following environmental topics: operational air quality regional emissions; construction and operational air quality localized emissions; construction and operational TACs; wasteful, inefficient, or unnecessary consumption of energy resources during construction and operation; geology and soils (paleontological resources); GHG emissions; on- and off-site construction and operational noise; fire and police (construction and operational); libraries and parks and recreation (operational); transportation (VMT); and utilities (water supply/infrastructure, wastewater, and energy infrastructure). In addition, Alternative 2 would not result in greater impacts than the Project for any of the other environmental issues. Thus, of the alternatives analyzed, Alternative 2 would be the Environmentally Superior Alternative. As detailed above, while Alternative 2 would meet the underlying purpose and objectives of the Project, it would be less effective than the Project in achieving the purpose and objectives due to the reduced density. For example, Alternative 2 would not maximize the provision of high-density, multi-family housing units, including affordable housing units, to support the much-need demand for housing at a range of income levels. In addition, opportunities to locate residential and commercial uses in a HQTA and TPA would not be maximized, nor would the principles of smart growth. Therefore, as discussed above, the City finds Alternative 2 is less desirable than the Project and rejects this alternative.

## IX. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(d) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the Project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the Project and would continue throughout its operational lifetime. The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation. The Project Site contains no energy resources that would be precluded from future use through Project implementation. For the reasons set forth in Section VI, of the Draft EIR, the Project's irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant, and the limited use of nonrenewable resources is justified.

### Building Materials and Solid Waste

As indicated on page VI-11 of Chapter VI, Other CEQA Considerations, of the Draft EIR, construction of the Project would require consumption of resources that do not replenish themselves or which may renew so slowly as to be considered non-renewable. These resources would include certain types of lumber and other forest products, aggregate materials used in concrete and asphalt (e.g., sand, gravel and stone), metals (e.g., steel, copper and lead), and petrochemical construction materials (e.g., plastics).

The Project's potential impacts related to solid waste are addressed in the Initial Study prepared for the Project, which is included as Appendix A to the Draft EIR. As discussed therein, during construction of the Project, a minimum of 75 percent of construction and demolition debris would be diverted from landfills. In addition, during operation, the Project would provide on-site recycling

containers within a designated recycling area to facilitate recycling in accordance with the City of Los Angeles Space Allocation Ordinance and the Los Angeles Green Building Code. In accordance with Assembly Bill (AB) 1826, the Project would also provide for the recycling of organic waste. The Project would adhere to State and local solid waste policies and objectives that further goals to divert waste. Thus, the consumption of non-renewable building materials, such as aggregate materials and plastics, would be reduced. The Project would not result in the inefficient or wasteful use of building materials during either Project construction or operation.

**Water**

As indicated on pages VI-12 and VI-13 of Chapter VI, Other CEQA Considerations, of the Draft EIR, consumption of water during construction and operation of the Project is addressed in Section IV.K.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR. As evaluated therein, given the temporary nature of construction activities, the short-term and intermittent water use during construction of the Project would be less than the net new water consumption estimated for the Project at buildout, and such water demand during construction would be offset by the removal of the existing uses on the Project Site. During operation, the estimated water demand for the Project would not exceed the available supplies projected by the LADWP, as confirmed by the Water Availability Will Serve letter provided by LADWP and included as Exhibit 1 of the Water Utility Report, included in Appendix K of the Draft EIR. Project operational water use would occur in accordance with all applicable water conservation requirements, including City of Los Angeles Ordinance No. 184248, the Los Angeles Plumbing Code, and the Los Angeles Green Building Code, and with the additional water conservation measures outlined in Project Design Feature WAT-PDF-1. Thus, as evaluated in Section IV.K.1, Utilities and Service Systems— Water Supply and Infrastructure, of the Draft EIR, while Project construction and operation would result in some irreversible consumption of water, the Project would not utilize water in an inefficient or wasteful manner or result in significant impacts related to water supply.

**Energy Consumption and Air Quality**

As indicated on pages VI-13 through V-15 of Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project would consume energy during construction and operation activities. Sources of energy for these activities would include electricity usage, natural gas consumption (during operation only), and transportation fuels such as diesel and gasoline. Project consumption of non-renewable fossil fuels for energy use during construction and operation of the Project is addressed in Section IV.C, Energy, of the Draft EIR. As discussed therein, construction activities for the Project would not require the consumption of natural gas but would require the use of fossil fuels and electricity. In addition, as detailed in Section IV.C, Energy, of this Draft EIR, the electricity demand at any given time would vary throughout the construction period based on the construction activities being performed and would cease upon completion of construction. When not in use, electric equipment would be powered off so as to avoid unnecessary energy consumption. In addition, trucks and equipment used during construction activities would comply with CARB's anti-idling regulations as well as the In-Use Off-Road Diesel-Fueled Fleets regulation. Further, on-road vehicles (i.e., haul trucks, worker vehicles) would be subject to federal fuel efficiency requirements. Therefore, construction of the Project would not result in the wasteful, inefficient, and unnecessary consumption of energy resources and impacts related to the consumption of fossil fuels during construction of the Project would be less than significant.

During operation, the Project's increase in electricity and natural gas demand would be within the anticipated service capabilities of LADWP and the Southern California Gas Company (SoCalGas), respectively. In addition, as discussed in Section IV.C, Energy, of the Draft EIR, the Project would comply with Title 24 standards and applicable CALGreen requirements. The nature of the Project as a mixed-use development within a TPA and an HQTA would serve to reduce VMT and associated transportation fuel usage within the region. Implementation of TDM

strategies (e.g., bicycle parking and reducing vehicle parking), as outlined in Section IV.I, Transportation, of the Draft EIR, and project features (e.g., electric vehicle (EV) charging equipment) discussed in Section IV.E, Greenhouse Gas Emission, of this Draft EIR, would also serve to reduce transportation fuel consumption.

Overall, the Project would not result in potentially significant environmental impacts due to the wasteful, inefficient, and unnecessary consumption of energy resources during construction or operation. The Project's energy requirements would not significantly affect local and regional supplies or capacity. The Project's energy usage during peak periods would be consistent with electricity and natural gas future projections for the region. Electricity generation capacity and supplies of natural gas and transportation fuels would be sufficient to meet the needs of Project-related construction and operational activities. During construction, the Project would comply with on-road fuel economy Title 24 energy efficiency standards, where applicable, resulting in efficient use of energy. During operations, the Project would comply with applicable energy efficiency requirements, including California Title 24, CALGreen Code, and the City of Los Angeles Green Building Code. The Project would also include project design features that would improve energy efficiency, as outlined in Section IV.E, Greenhouse Gas Emissions, and Section IV.K.1-1, Utilities and Service Systems—Water Supply and Infrastructure, of this Draft EIR.

Therefore, based on the above, the Project would not cause the wasteful, inefficient, and unnecessary consumption of energy and would be consistent with the intent of Appendix F to the CEQA Guidelines. In addition, Project operations would not conflict with adopted energy conservation plans. Refer to Section IV.C, Energy, of the Draft EIR, for further analysis regarding the Project's consumption of energy resources.

**Environmental Hazards**

As indicated on page VI-15 of Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project's potential use of hazardous materials is addressed in the Initial Study for the Project, included as Appendix A to the Draft EIR. As evaluated therein, the types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used in residential and commercial developments. Specifically, operation of the Project would be expected to involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, paints, and those used for maintenance and landscaping. Construction of the Project would also involve the temporary use of potentially hazardous materials, including fuel and oils associated with construction equipment, as well as coatings, paints, adhesives, and cleaners. All potentially hazardous materials would be used and stored in accordance with manufacturers' instructions and handled in compliance with applicable federal, State, and local regulations. Any associated risk would be reduced to a less than significant level through compliance with these standards and regulations. As such, compliance with regulations and standards would serve to protect against significant and irreversible environmental change that could result from the accidental release of hazardous materials.

## X. GROWTH-INDUCING IMPACTS

Section 15126.2(e) of the CEQA Guidelines requires a discussion of the ways in which a proposed project could induce growth. This includes ways in which a project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth, or increases in the population which may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Additionally, consideration must be given to characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either

individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

As indicated on pages V-16 through V-18 of Chapter VI, Other CEQA Considerations, of the Draft EIR, the Project includes the construction of 270 new multi-family residential units (including 27 affordable housing units) and 6,790 square feet of ground floor commercial space. Based on a rate of 2.25 persons per multi-family unit and 3.14 persons per affordable housing (family) unit based on the City of Los Angeles VMT Calculator Documentation, development of 243 market-rate units and 27 affordable units would result in an increase of approximately 632 new residents. The estimated 632 new residents generated by the Project would represent approximately 0.44 percent of the population growth forecasted by SCAG's 2020–2045 RTP/SCS in the City of Los Angeles. Therefore, the Project's residents would be well within SCAG's 2020–2045 population projection for the City of Los Angeles Subregion.

In addition to the residential population generated by the Project, the Project would have the potential to generate indirect population growth in the vicinity of the Project Site as a result of the employment opportunities generated by the Project. Construction workers would not be expected to relocate to the Project vicinity as a direct consequence of working on the Project. Therefore, given the availability of construction workers, the Project would not be considered growth-inducing from a short-term employment perspective. The Project's net increase of 43 employees would represent 0.002 percent of the total number of projected employees in 2025 and 0.09 percent of the growth between 2020 and 2025. As such, the Project would not cause an exceedance of SCAG's employment projections contained in the 2020–2045 RTP/SCS. given that some of the employment opportunities generated by the Project would be filled by people already residing in the vicinity of the Project Site, the potential growth associated with Project employees who may relocate their place of residence would not be substantial. Although it is possible that some of the employment opportunities offered by the Project would be filled by persons moving into the surrounding area, which could increase demand for housing, it is anticipated that most of this demand would be filled by then-existing vacancies in the housing market and others by any new residential developments that may occur in the vicinity of the Project Site, including the Project. As such, the Project's commercial uses would be unlikely to create an indirect demand for additional housing or households in the area.

The area surrounding the Project Site is developed with a mix of commercial/retail (including tourist and entertainment-related uses), offices, hotels, educational institutions, and single- and multi-family residential uses. The area is highly urban and is currently served by existing utilities and infrastructure. While the Project would require local infrastructure upgrades to maintain and improve water, sewer, electricity, natural gas, and telecommunication lines on-site and in the immediate vicinity of the Project Site, such improvements would be limited to serving Project-related demand and would not necessitate major local or regional utility infrastructure improvements that have not otherwise been accounted and planned for on a regional level.

Overall, the Project would be consistent with the growth forecast for the City of Los Angeles Subregion and would be consistent with regional policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of VMT. In addition, the Project would not require any major roadway improvements nor would the Project open any large undeveloped areas for new use. Any access improvements would be limited to driveways necessary to provide immediate access to the Project Site and to improve safety and walkability. Therefore, direct and indirect growth-inducing impacts would be less than significant.

## XI. ENERGY CONSERVATION

As addressed in Section IV.C, Energy, of the Draft EIR, the Project includes project design features designed to improve energy efficiency as set forth in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR, including Project Design Features GHG-PDF-1 and GHG-PDF-2 and Section IV.L.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR, including Project Design Feature WAT-PDF-1. These measures include, but are not limited to, the following: use of light-emitting diode (LED) and other efficient lighting technology; energy saving lighting control systems such as light- and motion-detection controls (where applicable); energy efficient heating, ventilation, and air conditioning (HVAC) equipment; plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) that comply with the performance requirements specified in the City of Los Angeles Green Building Code; weather-based irrigation system; water-efficient landscaping; a limitation on the number of natural gas fireplaces/firepits; tankless and on-demand water heaters; and individual metering and billing for commercial water use. The Project would also comply with the City's EV charging requirements which specify required percentages of new parking spaces to be provided with EV charging equipment as well as required percentages of new parking spaces to be capable of supporting future EV charging equipment.

## XII. STATEMENT OF OVERRIDING CONSIDERATIONS

The EIR identifies unavoidable significant impacts that would result from implementation of the Project. PRC Section 21081 and CEQA Guidelines Section 15093(b) provide that when a decision of a public agency allows the occurrence of significant impacts that are identified in the EIR, but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. The State CEQA Guidelines require, pursuant to CEQA Guidelines Section 15093(b), that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the EIR that cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on the documents and materials that constitute the record of proceedings, including, but not limited to, the Final EIR and all technical appendices attached thereto.

Based on the analysis provided in Section IV, Environmental Impact Analysis, of the Draft EIR, implementation of the Project would result in significant impacts that cannot be feasibly mitigated with respect to: construction noise and vibration (on- and off-site construction noise; and on- and off-site construction vibration impacts related to human annoyance); and cumulative impacts associated with on- and off-site construction noise and vibration impacts associated with off-site construction with respect to human annoyance.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts would result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible the alternatives to the Project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City hereby finds that each of the Project's benefits, as listed below, outweigh and override the significant unavoidable impacts relating to noise and vibration as identified above.

The below stated reasons summarize the benefits, goals and objectives of the Project, and provide the detailed rationale for the benefits of the Project. These overriding considerations of economic, social, aesthetic, and environmental benefits for the Project justify adoption of the Project and certification of the completed EIR. Each of the listed Project benefits set forth in this Statement of Overriding Considerations provides a separate and independent ground for the

City's decision to approve the Project despite the Project's identified significant and unavoidable environmental impacts. Each of the following overriding consideration separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies adoption of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the significant environmental impacts of the Project.

- The Project Would Support City and Regional Land Use and Environmental Goals. As provided in Section II, Project Description, of the Draft EIR, the underlying purpose of the Project is to redevelop the Project Site by constructing a new mixed-use development that provides new multi-family housing opportunities at a range of income levels, as well as new neighborhood-focused ground-floor commercial uses that serve the community and promote walkability. The underlying purpose and associated objectives of the Project are closely tied to the goals, objectives, and policies set forth in applicable plans, including: the City of Los Angeles General Plan, Hollywood Community Plan (Community Plan), Hollywood Redevelopment Plan; Los Angeles Municipal Code (LAMC); and the Southern California Association of Government's (SCAG's) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

  For example, the General Plan Framework Element encourages mixed-use developments in Regional Centers, integrating housing and commercial uses in concert with supporting services, recreational uses, open spaces, and amenities, with such centers typically providing a significant number of jobs and functioning as a hub for regional transit. The Project would provide a total of 270 residential dwelling units (including 27 Extremely Low Income housing units) and 6,790 square feet of ground floor commercial space within a City-designated Transit Priority Area (TPA) and a SCAG-designated High Quality Transit Area (HQTA), thereby integrating housing and commercial uses within a regional transit hub. In addition, the Project would include up to 30,918 square feet of open space and recreational amenities that would support the needs of the Project residents. Furthermore, pursuant to the Framework Element, Regional Centers generally fall withing a floor area ratio (FAR) range of 1.5:1 to 6.0:1 and are characterized by 6- to 20-story buildings or higher. Thus, as the Project would include a 25-story building and would have a maximum FAR of 4.5:1, the Project would be consistent with the type of use and at the intensity and height envisioned for a Regional Center.

  The Project includes features to support the goals of the 2020–2045 RTP/SCS that address improving the productivity of the region's transportation system and supporting an integrated regional development pattern and transportation network, reducing GHG emissions and improving air quality. Specifically, the Project would be developed within an existing urbanized area that provides an established network of roads and freeways that provide local and regional access to the area, including the Project Site. In addition, the Project Site is served by a variety of nearby mass transit options, including a Metro rail station and multiple bus lines in the Project area. The availability and accessibility of public transit in the vicinity of the Project Site is documented by the Project Site's location within a designated SCAG HQTA and City TPA. In addition, the Project would provide bicycle parking spaces and would feature vehicle parking spaces equipped with electric vehicle (EV) charging stations as well as additional facilities capable of supporting future electric vehicle supply equipment (EVSE). As such, consistent with SCAG's goals and objectives, the Project would maximize mobility and accessibility by providing opportunities for the use of several modes of transportation, including convenient access to public transit and opportunities for walking and biking. Refer to Chapter IV.F, Land Use and Planning, of

the Draft EIR, for a full discussion of the Project's consistency with the aforementioned City and regional land use and environmental goals.

- The Project Would Support City Housing Goals. The Project would support the goals included in the Framework Element's Housing Chapter by increasing the range of housing choices and providing a distribution of housing opportunities by type and cost for all residents of the City through the replacement of a surface parking lot with the development of 270 new multi-family residential units, consisting of 92 studios, 93 one-bedroom units, 75 two-bedroom units, and 10 three-bedroom units. Of the 270 residential units, 27 would be restricted for Extremely Low Income households. In addition, the Project would encourage the location of new multi-family housing to occur in proximity to transit and within high activity areas with adequate transitions and buffers between higher-density developments and surrounding lower-density residential neighborhoods. The Project would be located in a vibrant and active area that is physically distanced from lower-density neighborhoods and that is well-served by public transit.

  The Project Would Provide Economic Development, Employment Opportunities, and Tax Revenue for the City. The Project would support the City's objective in the Framework Element's Economic Development Chapter to establish a balance of land uses through the development of a mixed-use project with residential and commercial uses in an area well-served by public transit. The proposed community-serving commercial uses would support the needs of the local population, including the needs of the new residents of the Project Site. In addition, the construction of the project would result in construction employment opportunities, and the operation of the commercial components of the project would generate tax revenues for the City.

- The Project Would Represent Smart Growth. The Project would represent a mixed-use development and the intensification of urban density on an urban infill site within a City-designated TPA and SCAG-designated HQTA in close proximity to transit. Furthermore, the Project would be developed within an existing urbanized area that provides an established network of roads and freeways that provide local and regional access to the area, including the Project Site. In addition, the Project Site is served by a variety of nearby mass transit options, including a rail line and a number of bus lines. The availability and accessibility of public transit in the vicinity of the Project Site is documented by the Project Site's location within a TPA. In addition, the Project would ensure high quality pedestrian access, and provide a safe and comfortable walking environment by promoting walkability through the Project's design and pedestrian and streetscape improvements as well as provide bicycle parking spaces for the proposed uses that would serve to promote walking and use of bicycles. The Project would also include adequate parking to serve the proposed uses and provide charging stations to serve electric vehicles. As such, the Project would maximize mobility and accessibility, and also facilitate a reduction in VMT, by providing opportunities for the use of several modes of transportation, including convenient access to public transit and opportunities for walking and biking. In so doing, the Project would also support the goal of adapting to a changing climate and supporting an integrated regional development pattern and transportation network. Accordingly, the aforementioned characteristics are consistent with good planning practices and represent smart growth.

- The Project Would Enhance the Project Vicinity. The Project would enhance pedestrian activity in the area by providing improved sidewalks and human-scale commercial frontages on the ground floor, replacing an existing surface parking lot,

and by planting new street trees. The Project would support the City's policy to provide for the siting and design of new development that enhances the character of commercial districts by introducing a mixed-use development within the Project Site that would feature a similar mix of land uses to the existing uses surrounding the Project Site. The Project's close proximity to the Metro rail transit station and numerous bus lines would also encourage use of public transit, and the provision of bicycle parking areas would promote bicycle use. Ground level uses would also include extensive windows and fully screened parking, to activate the street and sidewalk and introduce a human-scale element and visual interest to pedestrians. As such, the Project would improve Hollywood's pedestrian environment and circulation and reduce parking demand and VMT by encouraging use of alternative modes of transportation available in the immediate vicinity of the Project Site.

## XIII. GENERAL FINDINGS

1. The City, acting through the Department of City Planning, is the "Lead Agency" for the project evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the Project, that the Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City.

2. The EIR evaluated the following potential Project and cumulative environmental impacts: aesthetics, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation and traffic, utilities and service systems, energy, tribal cultural resources, alternatives, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. The significant environmental impacts of the Project and the alternatives were identified in the EIR.

3. The City finds that the EIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the Project. The public review periods provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review periods and responds to comments made during the public review periods.

4. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.

5. The Final EIR documents nonsubstantive changes made to the Draft EIR to revise, clarify, or correct the environmental impact analysis for the Project. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of

Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:

- The Responses to Comments contained in the Final EIR fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the Project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.

- The City has thoroughly reviewed the public comments received regarding the Project and the Final EIR as it relates to the Project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.

- None of the information submitted after publication of the Final EIR, including testimony at the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.

6. The mitigation measures identified for the Project were included in the Draft EIR and Final EIR. The final mitigation measures for the Project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the Project. The City finds that the impacts of the Project have been mitigated to the extent feasible by the mitigation measures identified in the MMP.

7. CEQA requires the Lead Agency approving a project to adopt a MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of the mitigation measures and project design features adopted by the City in connection with the approval of the Project and has been designed to ensure compliance with such measures during implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP.

8. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.

9. The custodian of the documents or other materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning.

10. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.

11. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the Project.

12. The EIR is a project EIR for purposes of environmental analysis of the Project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the Project by the City and the other regulatory jurisdictions.

**FINDINGS OF FACT (SUBDIVISION MAP ACT)**

In connection with the approval of Vesting Tentative Tract Map (VTTM) No. VTT-82183, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

(a) THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

Section 66411 of the Subdivision Map Act (Map Act) establishes that local agencies regulate and control the design of subdivisions. Chapter 2, Article I, of the Map Act establishes the general provisions for tentative, final, and parcel maps. The subdivision and merger of land is regulated pursuant to Article 7 of the LAMC. The LAMC implements the goals, objectives, and policies of the General Plan through zoning regulations, including Specific Plans. The zoning regulations contained within the LAMC regulate, but are not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The subdivision of land is regulated pursuant to Article 7 of the LAMC. Pursuant to LAMC Section 17.05 C, tentative maps are to be designed in conformance with the tentative map regulations to ensure compliance with the various elements of the General Plan, including the Zoning Code. Additionally, the VTTM are to be designed in conformance with the Street Standards established pursuant to LAMC Section 17.05 B.

The Project Site is located within the Hollywood Community Plan area, with a land use designation of Regional Center Commercial and a zoning designation of C4-2D for the northeastern portion of the Site, which contains the majority of the Site to be redeveloped, and C4-2D-SN for the southern and western portions of the Site, which includes the existing commercial uses to remain. The C4 Zone permits a wide array of land uses including commercial, office, multi-family residential, retail, and hotel uses. The Height District 2 designation, in conjunction with the C4 Zone, does not impose a maximum building height limitation but does impose a maximum floor area ratio (FAR) of 6:1. However, a “D” Limitation (per Ordinance No. 165,660) of the Site’s zoning further limits the total floor area contained in all buildings to a maximum FAR of 3:1. However, the Project Site is located within a Tier 3 Transit Oriented Communities (TOC) area and pursuant to the City’s adopted TOC Guidelines and LAMC Section 12.22 A.31, in exchange for setting aside 10 percent of the total number of units for Extremely Low Income households, the Project may utilize a 50 percent FAR increase of up to 4.5 to 1 for a total floor area of 301,032 square feet. retained, is approximately 300,996 square feet, which complies with the TOC incentive FAR limit. Furthermore, the Project Site is located is also within the boundaries of the Hollywood Redevelopment Plan (RDP), which establishes a base FAR limit of 4.5:1 for all development

with a land use designation of Regional Center. The Project proposes 300,996 square feet of floor area, which complies with both the TOC and RDP FAR limits.

Pursuant to LAMC Section 17.06 B, a tentative map must be prepared by or under the direction of a licensed land surveyor or registered civil engineer. It is required to contain information regarding the boundaries of the Project Site, as well as the abutting public rights-of-ways, hillside contours for hillside properties, location of existing buildings, existing and proposed dedication, and improvements of the map. The VTTM indicates the map number, notes, legal description, contact information for the owner, applicant, and engineer, as well as other pertinent information as required by LAMC Section 17.06 B. Additionally, LAMC Section 17.15 B requires that tentative maps provide the proposed building envelope, height, size, and number of units, as well as the approximate location of buildings, driveways, and proposed exterior garden walls. The VTTM provides the building envelope, height, number of units, and approximate location of the building and driveways among other required map elements.

Therefore, as conditioned, the proposed VTTM demonstrates compliance with LAMC Sections 17.05 C, 17.06 B, 17.15 B and would be consistent with the applicable General Plan.is consistent with the intent and purpose of the applicable General and Specific Plan.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. Section 66418 of the Subdivision Map Act defines the term “design” as follows: “Design” means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. Further, Section 66427 of the Subdivision Map Act expressly states that the “Design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects.”

LAMC Section 17.05 enumerates design standards for a tentative map and requires that each map be designed in conformance with the Street Design Standards and in conformance with the General Plan. LAMC Section 17.05 C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes (net area). LAMC Section 17.06 B and 17.15 lists the map requirements for a tentative tract map and vesting tentative tract map. The design and layout of the VTTM is consistent with the design standards established by the Subdivision Map Act and LAMC regulations.

As indicated in Finding (a), LAMC Section 17.05 C requires that the tract map be designed in conformance with the zoning regulations of the Project Site. The Project Site is located within the Hollywood Community Plan area, with a land use designation of Regional Center Commercial and a zoning designation of C4-2D for the northeastern portion of the Site, which contains the majority of the Site to be redeveloped, and C4-2D-SN for the southern and western portions of the Site, which includes the existing commercial uses to remain. The VTTM design includes the merger of the entire approximately 1.55-acre (67,581 square foot) Site into one ground lot and for future commercial condominium purposes with a mixed-

use development. The Regional Center land use designation, including the corresponding C4-2D Zone, permits commercial, mixed-use and residential development subject to a minimum lot area of 5,000 square feet and width of 50 feet. The project provides lot areas and widths greater than the minimum. The subdivision design and improvements are consistent with the General Plan and demonstrate compliance with the General Plan with regard to lot size and configuration, as well as other specific physical requirements in the plan relating to floor area, height, density and use.

The design and layout of the VTTM is also consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the LAMC. The VTTM was distributed to and reviewed by the various City agencies of the Subdivision Committee, including, but not limited to, the Bureau of Engineering, Department of Building and Safety, Grading Division and Zoning Division, Bureau of Street Lighting, Department of Recreation and Parks, who have the authority to require dedications and/or improvements. Several public agencies found the subdivision design satisfactory, with imposed improvement requirements and/or conditions of approval. Specifically, the Bureau of Engineering reviewed the VTTM for compliance with the Street Design Standards and has recommended improvements to the public rights-of-ways along Cahuenga Boulevard, Ivar Avenue, and Selma Avenue. Cahuenga Boulevard needs an additional 2.5 feet of width adjacent to the Project Site to complete a 40-foot-wide half public right-of-way in accordance with its Modified Avenue II standards of the L.A. Mobility Plan. However, a dedication for such was waived by BOE as infeasible as it would require partial demolition and reconstruction of existing commercial buildings along the Cahuenga Boulevard frontage that are all proposed to remain as-is, and are not on the portion of the proposed tract that would be developed with the new mixed-use building. All necessary street improvements will be made to comply with the Americans with Disabilities Act (ADA) of 2010. In addition, the Bureau of Sanitation has reviewed the sewer/storm drain lines serving the subject tract and found no potential problems to structures or maintenance. In a memo dated October 11, 2019, the Grading Division of the Department of Building and Safety stated that they have reviewed the VTTM and determined that geology/soils reports are not required prior to planning approval of the VTTM as the property is located outside of a City of Los Angeles Hillside Area; is exempt or located outside of a State of California liquefaction, earthquake induced landslide, or fault rupture hazard zone; and, does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards. The Bureau of Street Lighting has determined that no street lighting improvements are necessary if no street widening is required by BOE, but otherwise that street lighting improvements include the relocation and upgrade of two streetlights on Cahuenga Boulevard one on Selma Avenue and three on Ivar Avenue. All Conditions of Approval for the design and improvement of the subdivision are required to be performed prior to the recordation of the VTTM, building permit, grading permit, or certificate of occupancy.

Therefore, as conditioned and upon approval of the entitlement requests, the design and improvements of the proposed subdivision would be consistent with the applicable General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The Project Site comprises a 1.55-acre site in the Hollywood Community Plan area, in a highly urbanized area approximately five miles northwest of downtown Los Angeles. Primary regional access is provided by U.S. Route 101, the Hollywood Freeway, which runs generally north–south less than a half-mile to the northeast. Major arterials providing regional access to the Project Site vicinity include Hollywood Boulevard, Sunset Boulevard, Cahuenga Boulevard, and Vine Street.

The Project Site has convenient access to public transportation and is served by the Los Angeles County Metropolitan Transportation Authority ("Metro") B Line, as well as numerous bus lines. The closest Metro B Line rail station is the Hollywood/Vine Station, located approximately 1,000 feet northeast of the Project Site.

Land uses immediately surrounding the Project Site include commercial and retail uses to the north, west, south, and east, with the Los Angeles Film School to the southeast across Ivar Avenue and a multi-family apartment building to the northeast across Ivar Avenue and Selma Avenue.

The Project Site is relatively flat and currently improved with an asphalt surface parking lot and one- and two-story commercial buildings. The environmental analysis conducted for the Project found that the VTTM and development of the Project would not result in any significant impacts in terms of geological or seismic impacts, hazards and hazardous materials, and safety. The Site is not within a Very High Fire Hazard Severity Zone, a Landslide, Tsunami Inundation, or Liquefaction Zone, or BOE Special Grading Area. In general, compliance with existing regulations, VTTM conditions, and mitigation measures identified in the EIR ensure that proposed development could be feasibly and safely constructed and operated on the Site.

Therefore, as conditioned, the Project Site is physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The General Plan identifies, through its Community and Specific Plans, geographic locations where planned and anticipated densities are permitted. Zoning standards for density are applied to sites throughout the city and are allocated based on the type of land use, physical suitability, and future population growth expected to occur. The adopted Hollywood Community Plan designates the Project Site for Regional Center land uses. The Project Site is zoned C4-2D. The C4 zoning designation generally allows for commercial and residential uses at a residential density of one dwelling unit per 400 square feet of lot area or one guest room per 200 square feet of lot area. Height District 2 imposes no height limit and permits an FAR of 6:1. However, the Project Site is subject to a "D" Development Limitation which limits the total floor area contained in all buildings to a maximum 3:1 FAR (per Ordinance No. 165,660). It is also noted that the Project Site is located within the Hollywood Redevelopment Plan area, which limits development in the Regional Center Commercial designation to a FAR of 4.5:1. The Project Site is also located within a designated Transit Priority Area, pursuant to PRC Section 21099, and partially within the Hollywood Signage Supplemental Use Sign District (HSSUD).

The VTTM design includes the merger of the contiguous lots of the 1.55-acre site into one ground lot and for future commercial condominium purposes and to allow for the development of a 300,996 square foot, mixed-use development with 23 levels of residential units above ground floor commercial and two levels of above-grade parking and four levels of below-grade parking. According to the Hollywood Community Plan, the Project Site has a land use designation of Regional Center Commercial, and pursuant to LAMC Section 12.22 A.18, the permitted residential density for mixed-use projects is based on the R5 zone, which allows multi-family dwelling units at a rate of one unit for each 200 square feet of lot area. For the 66,896 net square foot Project Site, up to 334 dwelling units could be

developed. The Project is proposing a total of 260 dwelling units, which complies with the existing density limits.

The Project's floor area, density, and massing are appropriately scaled and situated given these uses in the surrounding area. Further, the Project Site is a slightly sloped infill lot in a developed urban area with adequate infrastructure, and easily accessible via improved streets and highways. Therefore, the Project Site is physically suitable for the proposed density of development.

(e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Project Site does not contain wetlands or riparian areas, does not have significant value as a wildlife habitat, and implementation of the Project would not harm protected species. The Project Site is situated in an established, fully developed regional center, and is currently developed with concrete or asphalt with only minimal ornamental landscaping. The Project Site and vicinity do not support any riparian or wetland habitat, as defined by Section 404 of the Clean Water Act.

Furthermore, the Project Site is not located in or adjacent to a Biological Resource Area as defined by the City. Moreover, the Project Site and immediately surrounding area are not within or near a designated Significant Ecological Area. The Project Site does not contain any natural open spaces with water courses such as streams or lakes within and adjacent to the Project Site, act as a wildlife corridor, migratory corridors, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value. Although existing ornamental landscaping, including 12 non-protected olive trees located on the Project Site, would be removed to accommodate the new mixed-use building, the Project would retain the two existing street trees located along Selma Avenue and would add approximately eight new street trees along with approximately 60 new on-site trees. Mitigation Measure BIO-MM-1 would ensure that potential construction-related impacts to bats and their roosts (or other protected species) would be less than significant. No impacts to candidate, sensitive, or special status plant species would occur and the Project would not conflict with any protected tree ordinance or Habitat Conservation Plan.

Therefore, as conditioned, neither the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially injure fish or wildlife or their habitat.

(f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed subdivision and subsequent improvements are subject to the provisions of the LAMC (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements as mandated by law would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The Project Site is improved with an asphalt surface parking and one- and two-story commercial buildings, and, similar to the surrounding area, is currently developed with structures and urban uses.

The Project Site is not located in a Very High Fire Hazard Severity Zone, Alquist Priolo Zone, Fault Rupture Study Area, Flood Zone, Landslide, Liquefaction, or Tsunami Inundation Zone, nor would the subdivision and proposed improvements result in serious public health problems related to seismic safety.

A Phase I Environmental Site Assessment (ESA) identified the potential presence of lead-impacted soil and the potential migration of contamination from off-site properties. However, the Phase I ESA determined that any lead-impacted areas would be localized and would not represent a significant environmental concern at the Project Site, and if any off-site releases of contamination have occurred on adjacent or upgradient properties, such releases do not present a vapor intrusion concern to current site occupants. Furthermore, in the event that contaminated soils are encountered during construction, the nature and extent of the contamination would be determined and appropriate handling, disposal, and/or treatment would be implemented in accordance with applicable regulatory requirements, including SCAQMD Rule 1166.

The Project would be adequately served by existing utilities, and the Project Applicant has paid, or committed to pay, all applicable in lieu fees. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the Hyperion Treatment Plant, which meets statewide ocean discharge standards. The subdivision will be connected to the public sewer system and will have only a minor incremental increase on the effluent treated by the Hyperion Treatment Plant, which has adequate capacity to serve the project. Moreover, as required by LAMC Section 64.15, further detailed gauging and evaluation will be conducted as part of the required building permit process for the project, including the requirement to obtain final approval of an updated Sewer Capacity Availability Report demonstrating adequate capacity. In addition, Project-related sanitary sewer connections and on-site water and wastewater infrastructure will be designed and constructed in accordance with applicable Bureau of Sanitation and California Plumbing Code standards.

No adverse impacts to the public health or safety would occur as a result of the design and improvement of the Site. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

(g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

There are no recorded instruments identifying easements encumbering the subdivision for the purpose of providing public access. The Site is surrounded by public streets and private properties that adjoin improved public streets designed and improved for the specific purpose of providing public access throughout the area. The Site does not adjoin or provide access to a public resource, natural habitat, public park, or any officially recognized public recreation area. No streams or rivers cross the Site. Needed public access for utilities will be acquired by the City prior to recordation of the proposed tract. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

(h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the Applicant has submitted a Preliminary Solar Access Report. As conditioned, the Applicant will be required to submit a Final Solar Access Report with the information regarding architectural design and other design and improvement requirements prior to the issuance of building permits for the Project.

The Project Site is irregular in shape and has approximately 145 feet of frontage on Selma Avenue, approximately 383 feet of frontage on Ivar Avenue, and approximately 255 feet of frontage on Cahuenga Boulevard; and the layout and topography of the subdivision has taken into consideration the maximizing of the north/south orientation to allow for passive or natural heating and cooling opportunities. The Project will allow for sufficient direct open air and natural light to enter the residential units and commercials spaces. Prevailing winds range from approximately 5-10 miles per hour and are generally westerly in direction throughout the year, except for Santa Ana Winds, which generally prevail in the northerly direction.

In addition, prior to obtaining a building permit, the Applicant will consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans, planting of trees for shade purposes, and the height of the building on the Site in relation to adjacent development.

Therefore, the design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

These findings shall apply to both the tentative and final maps for VTTM No. 82764.


# LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

**Online Application System:** The OAS (https://planning.lacity.org/oas) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

**Drop off at DSC:** Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at http://planning.lacity.org/development-services/forms. Public offices are located at:

**Metro DSC**
(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

**Van Nuys DSC**
(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

**West Los Angeles DSC**
(CURRENTLY CLOSED)
(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

**An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination.** Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.

QR Code to Online Appeal Filing

QR Code to Forms for In-Person Filing

Revised July 2023